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Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 34 — August 20, 1999

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Secretary of State



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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1999 - Issue 16: Through	March 31, 1999
July 17, 1999 - Issue 29: Through	June 30, 1999
October 16, 1999 - Issue 42: Through	September 30, 1999
January 15, 2000 - Issue 3: Through	December 31, 1999 (Annual)

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
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Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
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Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

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August 1999 - 650 - GA-288

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Forms Management

2) Code Citation: 44 Ill. Adm. Code 4200

3) Section Numbers:

	Proposed Action:
4200.5	Repeal
4200.10	Repeal
4200.20	Repeal
4200.30	Repeal
4200.40	Repeal
4200.50	Repeal
4200.60	Repeal
4200.70	Repeal
4200.80	Repeal
4200.90	Repeal
4200.100	Repeal
4200.110	Repeal
4200.120	Repeal
4200.130	Repeal
4200.140	Repeal
4200.150	Repeal
4200.160	Repeal

4) Statutory Authority: 20 ILCS 435 and Public Act 90-372

5) A Complete Description of the Subjects and Issues Involved: Repeal of Forms Management Rules (44 Ill. Adm. Code 4200). Statutory language on which rules were based has been repealed by Public Act 90-372.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

217/782-9669

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Repealer begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND

PROPERTY MANAGEMENT

SUBTITLE C: GOVERNMENTAL RECORDS

CHAPTER II: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 4200

FORMS MANAGEMENT (REPEALED)

Section	Authority
4200-5	Policy
4200-10	Applicability
4200-20	Definition of Form, Surveys and Other Documents
4200-30	Form Approval Required
4200-40	General Approval
4200-50	Emergency Approval
4200-60	Types of Forms
4200-70	Temporary Usage Forms
4200-80	Required Notice
4200-90	Agency Forms Coordinator
4200-100	Forms Collection and Analysis
4200-110	Central Index and Control
4200-120	Forms Standards and Specifications
4200-130	Acquisition of Forms
4200-140	Forms Management Assistance
4200-150	Reporting
4200-160	

AUTHORITY: Implementing Section 67.23 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1983, ch. 127, par. 63b1.23) and the Forms Management Program Act (Ill. Rev. Stat. 1983, ch. 127, pars. 1401 et seq.) and authorized by Section 4(10) of the Forms Management Program Act (Ill. Rev. Stat. 1983, ch. 127, par. 1404(10)).

SOURCE: Adopted at 5 Ill. Reg. 416, effective January 10, 1981 by the Department of Administrative Services; transferred to the Department of Central Management Services by Executive Order 82-1, effective July 1, 1982; codified at 8 Ill. Reg. 14942; amended at 9 Ill. Reg. 5579, effective May 1, 1985; repealed at 23 Ill. Reg. _____, effective _____.

Section 4200.5 Authority

These rules are promulgated under the authority of Illinois Revised Statutes, Chapter 127, Paragraphs 63b1.23 and 1401-1406.

Section 4200.10 Policy

The Department of Central Management Services (DCMS) shall ensure that forms, surveys and other documents used by the State of Illinois clearly convey or

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

request necessary information, are non-duplicative, and present the least burden possible on those required to complete them.

Section 4200.20 Applicability

These rules apply to all boards, commissions, agencies, institutions, authorities, bodies politic and corporate of the State created by or pursuant to the constitution or statute, of the executive branch of State government; however, such term does not include colleges and universities under the jurisdiction of the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Regents, the Board of Governors of State Colleges and Universities, the Illinois Community College Board. However, any State officer or agency which is not included in the foregoing definition may elect to participate in the Forms Management Program and to commit that office or agency or comply with the requirements of this Act.

Section 4200.30 Definition of Form, Surveys and Other Documents

Every piece of paper requesting or transmitting information, printed or reproduced by whatever means, usually with blank spaces for the entry of additional information, to be used in any transaction involving the State of Illinois. These may be permanent or temporary, purchased from commercial suppliers or reproduced internally, and used in small or large quantities. These include but are not limited to envelopes, labels, tags, cards, checks, inter-office memos, letterheads, unit sets, continuous forms, sheets in sets, padded sheets, but does not include books, pamphlets and newsletters.

Section 4200.40 Form Approval Required

- No State agency shall utilize external forms after June 30, 1981, unless such forms have been approved by the DCMS Forms Management Center or unless management of such form has been delegated to the using agency in writing.
- Internal Forms may be of a type prescribed by the using agency unless DCMS has developed and designated a Statewide Standard Form.

Section 4200.50 General Approval

Each agency must submit both external and internal forms to DCMS for numbering. Forms will be returned to the using agency for immediate use provided required notices and standards have been met. See Section 4200.90 (Required Notice) and Section 4200.130 (Forms Standards and Specifications). This approval will be effective for six months. During this time DCMS will analyze the forms and after consultation with the using agency prepare a permanent form. The permanent form will be implemented upon expiration of the six month approval.

Section 4200.60 Emergency Approval

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

An agency may develop and use a form in response to an emergency situation or court or administrative order without prior approval of DCMS. The agency shall notify DCMS immediately of the need for an emergency form and shall submit a copy of the form with a full explanation of the circumstances in writing within 10 days of implementation. The form will then be studied by DCMS and a permanent format devised within six months of implementation.

Section 4200.70 Types of Forms

The Forms Management Center has designated two general types of forms which have two general functions. These are identified in the following paragraphs:

- a) Type of Forms
 - 1) External: Those forms that originate within an agency and transmit or request information outside of the agency.
 - 2) Internal: Those forms that originate within an agency and transmit or request information inside of the agency.
- b) Functions
 - 1) Information Seeking: Those forms that request or require that the recipient of the form return information to the sender.
 - 2) Information Transmittal: Those forms that transmit information but do not require or request a response from the sender.

Section 4200.80 Temporary Usage Forms

Forms needed for a short period of time, 30 days or less, do not require the approval of the Forms Management Center for either use or design. However, requirements of Section 4200.90 must be met. A copy of any temporary form must be sent to the Forms Management Center for record purposes. A form intended for use beyond 30 days shall be considered a permanent form requiring DCMS approval.

Section 4200.90 Required Notice

Each agency which utilizes forms seeking information from business, agriculture or local governments shall contain a conspicuous notice on the first page of the form stating the authorization for use of the form, whether the information requested on the form is required or voluntary, whether there are any penalties associated with failure to respond to the requested information, and a statement that the form has been approved by the Forms Management Center. This notice will be placed on all existing in-stock forms, on reprints of existing forms and at the initial printing of any new form. Suggested formats are:

- a) Required Response Notice: Information required by this form must be provided to comply with (Statutory Citation). Failure to so provide may result in (Penalty).
- b) Voluntary Response Notice: Information requested by this form is voluntary and no penalties attach for failure to respond.

Section 4200.100 Agency Forms Coordinator

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

Each agency shall appoint an Agency Forms Coordinator who shall be the chief liaison between the agency and the Forms Management Center. The Forms Management Center will look to the Agency Forms Coordinator to provide leadership to the agency in assuring that the standards and procedures of the Forms Management Program and the principles of economic and efficient forms design are carried through. In addition, the Agency Forms Coordinator will be responsible for collection of all forms of a formal or informal type, whether used exclusively within the agency or used to solicit information from the public.

Section 4200.110 Forms Collection and Analysis

- a) Upon receipt of a request from the Forms Management Center each agency shall proceed to collect, on a desk-by-desk, division-by-division basis, all forms, formal or informal, used by or within each agency. These forms will be collected in a manner designated by the Forms Management Center to ensure that their use and interrelationship to the agency mission are preserved during the collection process.
- b) The Agency Forms Coordinator will do an initial analysis of that agency's forms and will note unnecessary or unused forms, duplications and forms that could be combined to result in more efficient operations.

Section 4200.120 Central Index and Control

- a) The Forms Management Center, with agency assistance, will implement and maintain a central cross index of all forms. After collection and indexing of all State forms, the Forms Management Center will conduct an analysis of all forms of interagency and common administrative usage in order to develop standardization of State forms 4200.40 (Forms Approval Required) and Section 4200.50 (General Approval) all forms can be cross-checked with the central index to prevent the undue creation and production of forms, surveys, and other documents used by State agencies and to target those forms which could be eliminated.

Section 4200.130 Forms Standards and Specifications

- a) The following standards and specifications shall apply to State forms:
 - 1) Titling: All forms are to be titled with a brief description of the function or subject of the form. The title should appear at the top of the form in bold-face or capital letters or other distinctive type.
 - 2) Numbering: All types of forms other than temporary usage forms shall contain a unique control number established by DCMS. An agency may utilize its own numbering system in addition to the DCMS numbering system.
 - 3) Size: All forms shall be of a size and design to accomplish

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED REPEALER

legitimate State needs. However, use of non-standard sizes of paper or envelopes will require approval by DCMS. DCMS and the using agency will work together to design forms that conform to industry size standards.

- 4) Color: All forms are to be printed using black ink unless special circumstances require use of different or multiple colors of ink. DCMS approval is required for these special circumstances.
- b) Variation to the above may be allowed upon a showing of agency need. Cost, volume, efficiency in use, and special applications such as optical and magnetic readers shall be considered.

Section 4200.140 Acquisition of Forms

Forms shall be printed in accordance with the State Printing Contracts Act (Ill. Rev. Stat. 1963, ch. 127, pars. 132.201 et seq.) and associated rules. Forms may be photocopied in small quantities (25 or less) while awaiting receipt of printed forms or if only 25 or fewer forms are needed. Photocopying should be avoided because of the relatively poor quality and higher cost of this method of reproduction. Any photocopying of forms other than that allowed above must be approved in writing by the Agency Forms Coordinator.

Section 4200.150 Forms Management Assistance

- a) The DCMS Forms Management Center will provide assistance to State agencies in the economical design and use of forms. Newly created State agencies should contact DCMS immediately for training in forms management techniques.
- b) Private individuals or companies affected by State forms may provide communication regarding use of necessity of those forms DCMS. DCMS will consider these comments in the forms analysis function.

Section 4200.160 Reporting

Each Agency Forms Coordinator shall report cost reductions, cost avoidances and other savings resulting from agency forms management programs. Reports shall be sent to the Forms Management Center within 15 days after the end of each quarter on forms provided by the Forms Management Center. The Forms Management Center will compile statistics for each fiscal year and send a detailed report to the General Assembly by September 30 of each year.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** The Travel Regulation Council
- 2) **Code Citation:** 80 Ill. Adm. Code 3000
- 3) **Section Number:** Proposed Action:
3000.300 Amend
3000.400 Amend
- 4) **Statutory Authority:** Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]
- 5) **A Complete Description of the Subjects and Issues Involved:** The amendment to Section 3000-300 reflects the most current Federal Register publication in regard to reimbursement for the use of privately owned aircraft. The amendment to Section 3000.400 incorporates a reference to the Federal Register publication which summarizes federal lodging rates.
- 6) **Will this rulemaking replace any emergency rulemaking currently in effect?**
No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Does this rulemaking contain incorporations by reference?** Yes
- 9) **Are there any other proposed rulemakings pending on this Part?** No
- 10) **Statement of Statewide Policy Objectives:** Rulemaking does not affect units of local government.
- 11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

12) **Initial Regulatory Flexibility Analysis:**

- A) **Types of small businesses, small municipalities and not for profit corporations affected** None
- B) **Reporting, bookkeeping or other procedures required for compliance:** None
- C) **Types of professional skills necessary for compliance:** None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999
The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100 Authority
3000.110 Philosophy
3000.120 Policy
3000.130 Scope and Interpretation
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

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3000.200 Travel Control System
3000.210 Designation of Headquarters
3000.220 Expenses at Headquarters or Residence
3000.230 Preparation and Submission of Vouchers or Travel Expenses

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3000.300 Modes of Transportation
3000.310 Routing

SUBPART D: LODGING

Section
3000.400 Lodging Allowances
3000.410 Least Costly Lodging
3000.420 Conference Lodging
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section
3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section
3000.600 Reimbursable and Non-Reimbursable Expenses

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

3000.610 Expenses Related to Transportation
 3000.620 Receipts Required
 3000.710 Board-Agency Rules
 3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
 3000.700 Exceptions to the Rules
 3000.710 Board-Agency Rules
 3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18186, effective January 1, 1987; preliminary amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART C: TRANSPORTATION

Section 3000.300 Modes of Transportation

- a) All travel shall be by the most economical mode of transportation available considering travel time, costs, and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance.
- b) State vehicles may be used when most economical. When applicable, Vehicle Rules (44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern use of State-owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering service and repairs of these vehicles are to be found in the glove compartment of each vehicle.
- c) Arrangements on airplanes, trains, or boats shall be the least costly reasonably available alternative.
- d) Chartered aircraft, boats, trains, buses, or other such conveyance, shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.
- e) The rental of an automobile while on travel status is allowed, if

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. The collision damage waiver and personal accident insurance on rented vehicles are not reimbursable.

f) Privately owned vehicles may be used when authorized by appropriate agency personnel.

- 1) Employees using private vehicles on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)]. Prior to such authorization the Agency Head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require such certification to be noted on the travel voucher.
- 2) Reimbursement for use of a private vehicle shall be on a mileage basis and shall be in accordance with the rate promulgated pursuant to 5 USC 565e-5707(b)(2) and is shown in Appendix A, Reimbursement Schedule. However, in the event the rate set under Federal regulations changes during the course of the State's fiscal year, the effective date of the new rate shall be the July 1 immediately following the change in the federal rate.

g) Agency Heads may authorize the use of privately owned aircraft on State business.

- 1) Employees using privately owned aircraft on State business shall be duly licensed by the appropriate licensing body for the particular aircraft to be flown, shall carry insurance in at least the amount of \$500,000 combined single limit, and shall certify this to the Agency Head. Such certification shall be available for review and shall be noted on the travel voucher.
- 2) Reimbursement for the use of privately owned aircraft may be set by the individual Boards, but shall not exceed the rate set by the Federal Government pursuant to 5 USC 565e-5707(b)(2) and 41 CFR 301-4.2(a)(2), as revised September 8, 1998 (May-23-1996, Federal Register, Vol. 63, #173, 4173, 4173-61-#44, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART D: LODGING

Section 3000.400 Lodging Allowances

- a) The lodging allowances specified in Appendix A, Reimbursement Schedule are the maximum rates allowed by the Travel Control Boards. The Council shall review the rates annually to determine necessary adjustments. Except as provided in Section 3000.430, only commercial

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Lodging may be reimbursed.

- b) The maximum reimbursement for lodging in Cook County, Illinois shall be in accordance with the rate promulgated pursuant to 5 USC 586e-5701-5709 and 41 CFR 301, Appendix A, 19951997, as revised (December 21, 1998 Dec--27-1997, Federal Register, Vol. 63, #231 Vol--62-231, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs
- 2) Code Citation: 89 Ill. Adm. Code 530
- 3) Section Numbers: Proposed Action:
 530.1 New Section
 530.5 Amendment
 530.10 Amendment
 530.110 Amendment
 530.130 Amendment
 530.140 Amendment
 530.200 Amendment
 530.230 Amendment
 530.240 Amendment
 530.250 Amendment
 530.260 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3) and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).
- 5) A. Complete Description of the Subjects and Issues Involved: Part 530 details the criteria used by the Office of Rehabilitation Services for the evaluation of programs of services offered by community rehabilitation facilities. These amendments incorporate changes in the federal Rehabilitation Act and regulations. Other changes were made to clarify various Sections, including adding a definitions Section and increasing the detail in the Section on programs and services.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department has determined that this rulemaking will affect non-profit agencies, specifically, Community Rehabilitation Facilities.

B) Reporting, bookkeeping or other procedures required for compliance: Services reports and customer outcome reports.

C) Types of professional skills necessary form compliance: Vocational Rehabilitation skills

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 530

CRITERIA FOR THE EVALUATION OF PROGRAMS OF
SERVICES IN COMMUNITY REHABILITATION AGENCIES PROGRAMS

SUBPART A: INTRODUCTION

Section	Definitions
530.1	Applicable Standards
530.5	Evaluation Procedure
530.10	Recommended Procedures In Preparation For And During The On-Site Visit (Repealed)

SUBPART B: PROGRAM STANDARDS

Section	Available Programs of Service (Repealed)
530.100	Instructions for Completing the Criteria (Repealed)
530.105	Organization & Administration
530.110	Personnel (Repealed)
530.120	Programs and Services
530.130	Safety
530.140	Other (Repealed)
530.150	

SUBPART C: CONTRACTS WITH COMMUNITY REHABILITATION

AGENCIES PROGRAMS

Section	Disposition of Referrals
530.200	Program Outcomes
530.230	Designated Program Week
530.240	Types of Contracts
530.250	Fiscal and Administrative Standards
530.260	

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 2 Ill. Reg. 52, p. 481, effective December 29, 1978; codified at 7 Ill. Reg. 3200; amended at 13 Ill. Reg. 141, effective December 27, 1988; emergency amendment at 17 Ill. Reg. 11701, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20380, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg.

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_____, effective _____.

SUBPART A: INTRODUCTION

Section 530.1 Definitions

Extended Services — means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment.

Integrated Setting — with respect to the provision of services, integrated setting means a setting typically found in the community in which customers interact with non-disabled individuals other than individuals who are providing service to the customer; or with respect to an employment outcome, integrated setting means a setting typically found in the community in which the customers interact with non-disabled individuals.

Supported Employment — means competitive employment in an integrated setting with ongoing support services for individuals with the most significant disabilities:

for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of their disability; and

who because of the nature of their disabilities, need intensive supported employment services in order to perform this work.

Supported Employment Services — means ongoing services needed to support and maintain an individual with the most significant disability in supported employment. Such services are provided for a period of time not to exceed 18 months, unless under special circumstances the time is extended to achieve the rehabilitation objectives identified in the customer's Individual Plan for Employment.

Work Services — means work in a non-integrated or sheltered setting for a public or private non-profit agency that provides compensation in accordance with Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in work services.

(Source: Added at 23 Ill. Reg. _____, effective _____.)

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Section 530.5 Applicable Standards

- a) All Community Rehabilitation Program Agencies (agencies) having annual service contracts/agreements with the Department of Human Services—Office of Rehabilitation Services (DHS-ORS) shall have all programs offered to customers accredited by a national accrediting organization or shall be certified by DHS according to the criteria set forth in 89 Ill. Adm. Code 530, Subpart B.
- b) DHS shall apply its criteria to approve programs and services that will be offered to DHS-ORS customers by an agency that:
 - 1) receives less than \$20,000 annually from DHS-ORS; or
 - 2) is an agency providing new services deemed necessary by DHS-ORS staff, based upon customer needs and that has not yet received national accreditation. A new agency receiving \$20,000 or more annually from DHS-ORS may only be certified by DHS for three years, after which time it must be nationally accredited.
- c) An agency shall apply for accreditation through:
 - 1) Commission on Accreditation of Rehabilitation Facilities;
 - 2) National Accreditation for Agencies Serving the Blind and Visually Handicapped Council;
 - 3) The Council;
 - 4) Joint Commission on Accreditation of Health Care Organizations; or
 - 5) Council on Accreditation of Services for Families and Children, Inc.
- d) If the agency meets the criteria in subsection (b) of this Section, application to DHS should be made to:

Illinois Department of Human Services — Office of Rehabilitation Services
Community Resources
618 E. Washington
Chicago IL 62794

- a) All Community Rehabilitation Programs (programs) having annual service contracts/agreements with the Illinois Department of Human Services—Office of Rehabilitation Services (BHS-ORS) shall have all programs offered to BHS-ORS clients accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF)—or the National Accreditation Council (NAC)—or have met the BHS-ORS—evaluation criteria set forth in 89 Ill. Adm. Code 530, Subpart B:
- b) BHS-ORS shall only apply its evaluation criteria to approve all programs of service which will be offered to BHS-ORS clients—by a program which:
 - 1) receives less than \$20,000 annually from BHS-ORS for fees paid for evaluation, training and placement provided BHS-ORS clients; or
 - 2) is a new program whose services are deemed necessary by BHS-ORS staff—based upon client need; and who have not yet received NAC

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or-GARP-accreditation-and-which-have-been-in-existence-for-at least-one-year--A-new-program-is-one-which-either-has-not previously-been-in-existence-or-one-which-has-not-previously provided-services-to-BHS-GRS-clients--A-new-program-receiving \$20,000-or-more-annually-from-BHS-GRS-may-only-be-accredited-by BHS-GRS-for-three-years-after-which-time-they-must-be-accredited by-GARP-or-NAC.

- c) A-Program-shall-apply-for-accreditation-through-the-accrediting-body's established-procedure:

- 1) Application-to-GARP-should-be-made-to:
Commission-on-Accreditation-of-Rehabilitation-Facilities
101-West-Wilmet-Road, Suite-B
Tucson-Arizona-85735
- 2) Application-to-NAC-should-be-made-to:
National-Accreditation-Council
79-Madison-Avenue
New-York-New-York-10016
- 3) Application-to-BHS-GRS-should-be-made-to:
Illinois---Department---of---Human---Services-Office---of
Rehabilitation-Services
Manager-Community-Rehabilitation-Programs-Unit
P-67-Box-19459
Springfield-Illinois-62794-9459

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.10 Evaluation Procedure

- a) With the submission of an application to DHS, an agency At-the-request of-a-program described in Section 530.5(b)-the-program shall be evaluated by representatives of DHS BHS-GRS. The new service program provided by the agency program must have been in operation for a period of one year prior to applying for an requesting the evaluation. The DHS representative assigned to conduct the evaluation shall contact the agency to arrange for a time and date convenient for all concerned. This representative shall confirm the date by letter. The selection-of-the-BHS-GRS-representatives-shall-be-the-responsibility of-the-BHS-GRS-Manager-Community-Rehabilitation-Programs-Unit. The DHS representative shall be responsible for applying the standards set forth in Subpart B of this Part to the agency. BHS-GRS-Regional Facility/Supported---Employment---Specialist-shall-ensure-that-the programs-in-his/her-Region-requesting-evaluations-receive-copies-of-the-standards-contained-in-89-111-Adm-Code-530-Subpart-B-in-advance of-the-scheduled-evaluation-dates.

- 1) Prior to conducting the evaluation, the DHS representative shall explain the on-site evaluation procedure to the agency.
- 2) During the evaluation process, the DHS representative shall

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review the case records, program description and documents, and interview staff and customers to ensure that standards are being followed.

- d) The DHS BHS-GRS representative conducting the survey shall hold an exit interview. The purpose of the interview shall be to indicate areas in which the agency does and does not comply with Subpart B assigned-to-conduct-the-evaluation-shall-contact-the-program-director to-arrange-for-a-time-and-date-convenient-for-all-concerned--This representative-shall-confirm-the-date-by-letter.

- e) A written report of the results of the evaluation shall be sent within 30 calendar days after the evaluation to the agency. The-BHS-GRS representative-shall-be-responsible-for-applying-the-standards-set forth-in-Subpart-B-of-this-Part-to-the-program.

- 1) Prior-to-conducting-the-evaluation--the-BHS-GRS-representative shall-explain-the-on-site-evaluation-procedure-to-the-program director-as-well-as-program-directors-in-charge-of-services-to-be accredited.

- 2) During-the-evaluation-process--the-BHS-GRS-representative-shall review-the-case-records-program-description-and-documents--and interview-staff-and-clients-to-insure-that-standards-are-being followed.

- f) The agency must submit a plan of correction to DHS within 30 calendar days after receipt of the report. The plan shall indicate how the agency plans to comply with Part 530 in those areas in which the agency was found to not comply. The plan shall include time frames for compliance. The-BHS-GRS-representative-conducting-the-survey-shall hold-an-exit-interview-with-the-program-director--staff-designated-by the-program-director-and-invited-guests--The-purpose-of-the-interview shall-be-to-summarize-the-strengths-and-weaknesses-observed-during-the evaluation.

- g) The-results-of-the-evaluation-with-recommendations-for-corrective action-based-on-compliance-with-this-Part-shall-be-sent-to-the Manager-Community-Rehabilitation-Programs-Unit--The-Manager-reviews the-report-based-upon-this-Part-and-within-30-calendar-days-of evaluation-notifies-the-program-director-and/or-the-governing-body in-writing-of-the-results-of-the-evaluation.

- h) The-program-director-and/or-governing-board-has-the-right-to-question the-results-of-the-evaluation-report--Concerns-shall-be-directed-to the-BHS-GRS-Manager-Community-Rehabilitation-Programs-Unit-within-30 calendar-days-following-receipt-of-the-evaluation-results--The-letter-of-concern-should-identify-specific-areas-in-which-the-program-does not-concern-with-the-evaluation-results-and-any-noted-deficiencies information-supportive-of-the-program's-position-should-also-be included-for-BHS-GRS-review--The-Manager's-Community-Rehabilitation Programs-Unit-will-review-the-stated-concerns-to-determine-if-the program-was-in-compliance-with-this-Part-based-on-the-additional information-and-if-necessary-make-changes-in-the-report.

- 1) Upon acceptance of the plan of correction, DHS BHS-GRS shall notify

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the agency Program of the decision to:

- 1) approve the program and services offered by the agency Program for three years if compliance with the standards of Subpart B are met; or
- 2) to grant provisional status to the agency Program for a one-year period. Provisional status is granted as a temporary approval, contingent upon adherence to and action consistent with the plan of correction, pertinent to recommendations made as the result of the evaluation; or
- 3) not approve the services offered by the Program; when DHS-ORS determines that a service is not in place (e.g., the Program does not have a work adjustment plan) or when a plan of corrective action cannot be mutually agreed upon; DHS-ORS will not approve the Program;
- b) DHS shall notify the agency of the decision to not approve the program or services offered by the agency when an agency is not in compliance with the standards of Subpart B.
- i) The agency has the right to appeal the evaluation report under 89 Ill. Adm. Code 508.

- 1) A written report for a hearing must be submitted to DHS within 10 calendar days after the receipt of the evaluation report.
- 2) DHS will notify the agency of the date, time and location of the hearing at least 14 calendar days prior to the hearing date.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 530.110 Organization & Administration

a) Corporate Status

The agency Program must be a legally constituted corporate entity or an entity operated by a state State or political subdivision of a state State under an appropriate Federal, state State or local statute. DHS-ORS requires good management practice, which is determined based on the factors in sub-sections (b) and (c) below:

b) Governing Body

- 1) The governing body's responsibility for establishing the organization's mission, policies, and necessary financial support must be in writing. The governing body is responsible for establishing the mission of the organization, policies, buildings and equipment and necessary financial support to fulfill the mission. These responsibilities are stated in the constitution or bylaws.
- 2) The membership of the governing body shall be broadly representative of the community. Suggested representation would include business, education, accounting, and consumer.
- 3) The governing body shall employ a full-time Director and delegate delegates to that person the authority and responsibility for the management of the agency Program in accordance with established

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- 4) The governing body or its executive committee, the Director, and invited staff of its choice including at a minimum, the Director of the Program shall meet at least quarterly.
- 5) The governing body shall review and approve the agency annual budget and the independent, certified audit, annually 7 and the review and approve income and expense reports at least quarterly.
- 6) As part of the constitution or bylaws, the governing body shall have a policy guarding against possible conflicts of interest between its members and the operation of the agency Program.
- 7) The agency Program must have insurance to protect assets and to ensure compensation for staff, individuals with disabilities, volunteers, and the public, in the event such compensation would be required for occurrences for which the agency Program is liable. There shall be documentation that the governing body reviews the insurance profile annually and the extent and type of coverage is determined after consultation with professional insurance representatives persons. Evidence of this review must be documented in the minutes of the governing body meetings.

c) Administration

- 1) The agency shall complete an annual written evaluation of all its programs and services that shows evidence of: the Program's service programs, physical plant, equipment needs, and personnel shall be completed by the Program staff for the governing body to determine consistency with the Program's mission; the evaluation report includes the strengths and/or weaknesses of each service program; and a recommended plan for improvement with time frames identified. There must be evidence that the report has been submitted to the governing body or its executive committee and that needed action has been taken:
 - A) maintenance of safe and accessible program;
 - B) a review of the quality and appropriateness of the services offered;
 - C) a review of the effectiveness of the services as measured by outcomes achieved; and
 - D) customer satisfaction with the services received and employment outcomes achieved.
- 2) Staff shall receive in-service training in accordance with the agency's policies and procedures. Policies and programs for in-service training for staff shall be available in written form. These policies shall be reviewed and approved by the governing body.
- 3) The agency shall employ staff members in such numbers and of such types to meet the needs of the individuals served in a manner consistent with the purposes and objectives of the organization. The financial operations of the Program shall be audited annually by an independent certified public accountant.

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- 4) The agency shall have public information materials that identify: An annual budget shall be prepared by the Executive Director and presented to the governing body for approval:
- A) the programs and services available;
 - B) the programs to be served;
 - C) how programs and services can be obtained; and
 - D) its non-discrimination policy.
- 5) Income- and expense- reports shall be submitted to the governing body at least quarterly.
- 6) An employee with rehabilitation training and/or experience shall be designated to coordinate rehabilitation services. The individual shall be responsible for ensuring that the persons responsible for evaluatory training and placement programs coordinate the activities which will result in meeting the clients' employment goals.
- 7) The Program shall employ personnel in such numbers and of such type as to meet the needs of individuals served.
- 8) The Program shall have in place as a means of public information a pamphlet or other written materials which contains the following:
- A) a description of services and programs offered;
 - B) identification of client population served;
 - C) a description of admission procedures;
 - D) a statement of client rights; and
 - E) a statement of its nondiscrimination policy.

d) The Program must meet accessibility and safety standards cited in subsection (f) of this Section. Section 530.140 and 89.111, Admin-Code 535 prior to providing any services to BHS-ORS clients. BHS-ORS staff will survey the physical plant of the Program to ensure standards are met. If standards are not met, the Program shall submit a plan of action for approval and follow the procedures set forth at 89.111-Admin-Code 525.10(e).

e) BHS-ORS must be informed prior to a Program's change in location. BHS-ORS will survey the new location prior to the move to ensure accessibility and safety standards are met. If a Program fails to notify BHS-ORS prior to a move, all services to BHS-ORS clients shall be suspended until a survey is completed by BHS-ORS and the accessibility and safety of the new location are established. No program will be paid for services to BHS-ORS clients during the period of the suspension. In no event will BHS-ORS clients be sent to a new location if it is determined inaccessible or unsafe.

d) Federal and State Regulations

- 1) The agency shall offer programs and services that are accessible to persons with disabilities in accordance with Program must comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Constitution of the United States, Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), the Americans with Disabilities Act (42 USC 12001), and the Illinois

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Accessibility Code (71 Ill. Adm. Code 400), the 1978 Constitution of the State of Illinois, the Illinois Human Rights Act (775 ILCS 5/1-5/17), the American Barriers Act of 1968 (PL 90-480), August 12, 1967 (92 USC 218), the Uniform Accessibility Standards (43-62R 101-1996 et seq), and the American National Standards Institute No. A117.1-1986 and any laws, regulations or orders of State or Federal which prohibit discrimination on the grounds of race, sex, color, religion, national origin, ancestry, marital status, unfavorable discharge from the military, the inability to speak or comprehend the English language and any physical or mental disability. The Program shall engage in an Affirmative Action Program as required by Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Program must comply with both Federal and State Departments of Labor Rules and Regulations (29 CFR 54 (1987) with no later amendments or editions) and 56 Ill. Admin-Code 200.506, respectively, governing wage requirements and be able to produce evidence of meeting such requirements.

2) The agency shall engage in an Affirmative Action Program that provides documentation of its non-discrimination policy and staff characteristics as required by Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Program must comply with both Federal and State Departments of Labor Rules and Regulations (29 CFR 54 (1987) with no later amendments or editions) and 56 Ill. Admin-Code 200.506, respectively, governing wage requirements and be able to produce evidence of meeting such requirements.

3) The agency shall show evidence of compliance with both Federal and State Department of Labor rules and regulations governing wage reimbursement and the Program must comply with the Workers Compensation Act (820 ILCS 305).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.130 Programs and Services

- a) Program Definitions
- For the purposes of this Part, the following terms shall have the following meanings:

1) Evaluation

- A) Functional Vocational Assessment - a limited survey of an individual's vocational interests and abilities based on a particular Program's curriculum and BHS-ORS counselor's requests.

- B) Vocational Evaluation - an assessment of an individual's ability to function in a single area (e.g., clerical) or a broad-based assessment of the individual's interests and abilities utilizing a variety of tests, work samples, and

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situational assessments.
C)37 Psycho-social Evaluation - a vocational assessment which includes intensive counseling and case management in support of clinical services.

D)47 Community Based Work Assessment - observation of an individual in a community work setting by assessing his/her work skills, work habits and attitudes, social and personal characteristics, vocational interest, employment preferences, family support, and other needs.

2) Training

A)57 Work Adjustment Training (WAT) - transitional, time limited training using individual or group situations. The goal of WAT is to assist the individual in understanding the meaning, value and demands of work and to develop the necessary skills and work attitudes necessary to achieve his/her employment outcome.

B)67 Psycho-social Rehabilitation - an approach to rehabilitation, usually used in the programming for the chronically mentally ill, that combines psychological, medical, vocational, educational and social components with an assertive outreach approach to develop, maximize and maintain the optimal level of functioning for the individual. The goal of psycho-social rehabilitation is obtaining or maintaining competitive, supported or sheltered employment.

C)77 Skills Training - a formal training program of instruction with a written curriculum that develops skills and knowledge for a specific occupation or job family. Training may be in a community or non-community job site.

D)87 Transitional Employment - services provided to an individual at a community worksite which leads to competitive integrated employment.

E)97 Job Seeking Skills Training - training to assist an individual to obtain the skills and knowledge to choose a responsible employment objective and competitive employment.

3) Placement

A)307 Competitive Placement Services - a group of community-based services designed to assist an individual in obtaining a competitive employment outcome. Services include:

I)47 Assessment - services to assist an individual through observation of job readiness, transferable skills, social and personal characteristics, vocational interest, employment preferences, retention skills, and coping skills;

I)57 Job Development and Placement - services to assist an individual in identifying specific jobs that are available to him/her using job match techniques;

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I)17 On-the-job Training - specific training on a specific job to assist an individual in obtaining specific skills and experience in that job; and
I)27 Follow-up Services - time limited services which provide direct and indirect support to an individual and/or employer to allow for adequate job adjustment and retention, or further job development and placement.

B)137 Supported Employment Placement Services - services provided to any individual with a significant or most significant disability to support a customer in the supported employment setting, in a community-integrated work setting;--Services--are--provided--through--the--place/train model;--A--job--coach--provides--intensive--training--and--support--services--required--to--allow--the--individual--to--function--on--the--job--site.

b) The following are required components of all programs and services to be certified. Program Standards

1) Intake and Admission

I)17 All individuals referred for services shall receive a referral must be screened by personal interview that includes an explanation of why the individual was referred, service opportunities available to the individual, and any rights and remedies the individual may have, including the appeal process and the time frames associated with the individual's appeal rights interview and a review of recent medical examinations psychological testing and personal data to determine if the program can meet the client's needs.

2)27 Confidential A-confidential case records shall be kept secure and shall be available only to authorized personnel record-which includes the information obtained in accordance with subsection I)7 must be maintained by the program for each client-receiving services--from--the--program--and--be--available--only--to--authorized personnel.

3)7 There shall be a designated staff member or group that is responsible for making admission decisions. Referred individuals not accepted for programming shall be informed in writing of the reasons for non-acceptance and, if possible, referred to other appropriate resources in the community.

4)97 Individuals referred for services shall be notified in writing of their acceptance or nonacceptance into the program when programs have reached full capacity and waiting lists for admission exist--there--must--be--written--procedures--for--the--administration--of--the--waiting--lists--and--notification--of--service--availability--this--notification--is--documented--in--each--referral file.

5)27 Persons on waiting lists shall be contacted monthly, apprised of their status, and given sufficient information to decide whether

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to remain on the waiting list or seek services elsewhere where must be clearly written--entrance--and--exit--criteria--for--each program--offered--by--the--program.

6) There shall be clearly written entrance and exit criteria for each service offered by the agency As--part--of--the--entrance procedure--the--client--should--receive--a--Manual--which--provides information--on--safety--services--salaries--fringe--benefits--working--conditions--standards--of--behavior--expected--and--client's rights.

2) Functional-Vocational Assessment

Programs--which--include--psychological--testing--shall--be--under the--supervision--of--a--psychologist--registered--with--the--Illinois--Department--of--Professional--Regulation--in--accordance with--the--Clinical--Psychologist--licensing--Act--(225--tACS-13).

c) Individual Choices Evaluation

1) Each person shall be presented with goal and service options that would assist in choosing an employment goal An--employee with--rehabilitation--training--and/or--experience--in--evaluation techniques--must--have--the--responsibility--for--managing--the--Evaluation--Program.

2) Each person shall be enabled to choose his/her employment goal and services and express his/her degree of satisfaction with the results achieved Written--evaluation--procedures--shall--identify objectives--evaluation--sites--staff--responsibility--and activities--to--be--used--in--the--evaluation--procedure.

3) Based--on--referral--information--a--written--evaluation--plan shall--be--developed--for--each--client--prior--to--admission--Each individual--plan--shall--include:

- i) goals--and--objectives--of--the--client's--evaluation--and
- ii) time--frames--for--achievement--of--goals--and--objectives--
- B) An--evaluation--staffing--shall--be--held--at--the--completion--of the--program--Program--and--BHS--ORS--staff--pertinent--to addressing--the--evaluee's--needs--must--be--in--attendance--in all--instances--the--client--must--attend--the--staffing--unless inappropriate--due--to--client's--physical--and/or--mental--state (e.g., hospitalization) at--which--time--a--parent--family member--guardian--advocate--or--duly--authorized--representative of--the--client--shall--be--invited--to--participate--Results--of the--staff--meeting--will--be--documented--and--become--a--part--of the--client's--case--record.

B) A--written--evaluation--report--shall--be--provided--and interpreted--to--the--client

d) Individual Service Plans Training

1) Individual service plans shall be developed for each person served that address the person's preferences and needs for services and their expected outcomes An--employee(s)--with rehabilitation--training--and/or--experience--must--have--the designated--responsibility--for--managing--the--Training--Program.

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2) All persons involved in the development of the plan shall receive a copy of the plan within 5 working days after its development Written--training--procedure--and/or--curricula--shall include--identification--of--training--objectives--program--length training--sites--staff--responsibilities--and--a--general--overview--of the--methods--equipment--and--materials--to--be--utilized.

3) Each service plan shall identify, Based--upon--previous--diagnostic findings--and--available--data--an--individualized--Written--training plan--shall--be--developed--prior--to--the--client's--entering--training--the--plan--includes:

A) an employment goal that is identified by at least a three digit Dictionary of Occupational Titles Job family the impediment(s) that exist which interfere with the client's vocational objectives;

B) understandable, measurable objectives that need to be reached in order to achieve the person's employment goal the overall anticipated outcome of the applied program;

C) the services needed to meet the objectives intermediate objectives--to--be--reached--in--order--to--achieve--the--anticipated outcome;

D) time frames needed to achieve the goal and each objective time--frames--associated--with--each--planned--intermediate objective--and--the--overall--outcome--and

E) measures to assess the outcome of each objective, including review dates; and identifiable indicators which will measure the success of the plan

F) the person responsible for implementing the plan.

G) The Program must have vocational assessment information available--which--indicates--that--the--client--has--interest--in the--job--area--motivation--and--aptitudes--for--the--job--prior--to placement--in--the--program--

H) The Program shall have work/job sites and ancillary programs necessary to meet the needs identified in the individualized Written Training Plan

I) Training staffings are to be held at least every eight weeks for review of the client's plan and intermediate objectives. Program--and--BHS--ORS--staff--pertinent--to--addressing--the client's--needs--must--be--in--attendance--in--all--instances--the client's--must--attend--the--staffing--unless--inappropriate--due--to the--client's--physical--and/or--mental--state--at--which--time--a parent--family--member--guardian--advocate--or--duly--authorized representative--of--the--client--shall--be--invited--to participate

e) Staffing Placement and Follow-Up

1) Before entering any program, each person shall be afforded a staffing to develop a service plan in concert with the DHS-ORS counselor and the agency An--employee--with--rehabilitation--training and/or--experience--shall--have--the--responsibility--of--coordinating

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the placement program.

2) **B)** Staffings shall be held on a scheduled basis to allow for review and discussion of the person's progress towards achieving his/her employment goal and objectives, as follows: An individualized written placement plan shall be developed to establish the activities needed for a client to reach employment goals. The plan shall include services needed to maintain employment and the responsibilities of the individuals involved in the plan.

A) at the completion of evaluation;

B) at least once every eight weeks for training and placement services up to the date of successful employment;

C) at least once every three months for persons receiving Extended Services.

3) **e)** The person served must be given the opportunity at each staffing to express his/her thoughts about his/her service plan. Placement services must be provided in accordance with the individual client's employment goals. Placement service should be provided to those clients in all work-oriented programs.

B) Follow-up services shall be provided to ensure employment adjustment and retention. When problems related to the job occur, follow-up service will include additional programming (e.g., job coaching, additional training, transportation assistance).

B) Placement staffings shall be held at least every 4 weeks to review the placement/follow-up activities for each client and the need to modify the follow-up plan based on the client's changing needs. Written summaries of these staffings shall be provided to the client, BHS-ERS, and all other individuals so authorized by the client.

F) The placement specialist shall develop and maintain a written commentary on employer contacts to identify employment opportunities for persons with disabilities. The commentary would include the employer contact person's type of job, necessary skills for the job and job openings.

f) Reports Work Services

1) **A)** All persons involved in the development of the plan shall receive a copy of each staffing report within ten working days after the staffing clients are employed in the program's work services program. Staffing clients receive a manual providing information on safety services, salaries, fringe benefits, working conditions, standards of behavior expected, and appeal rights.

2) **B)** A final evaluation report shall be written for each person who completes that service that includes the following Minimum program standards for employment are:

A) background information regarding the person at least semiannually; the program staff must assess each client's potential for community job placement. The client shall be

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referred for other services; e.g., vocational evaluation, work adjustment, skill training, programs in industry, and job placement when program staff determines that community placement may be a feasible goal (e.g., improvement in behavior, increase in productivity).

B) **ii)** Interpersonal/personal observations made by agency staff there shall be no charge to the client for the privilege of employment per se. There may be, however, appropriate charges for optional and rehabilitation services. However, no charge shall be imposed without advance notice to and approval of the client. An itemized invoice is submitted to the client served, the legal guardian, or a third-party sponsor; and

C) **iii)** A vocational appraisal of the person, within one year of entry into employment in the work services program, each client shall receive benefits commensurate with those provided to other comparably classified non-disabled employees within the program in the event no comparable classification exists. The client shall be provided annually a minimum of five days paid vacation, five days paid sick leave, and five holidays with pay.

D) a recommended employment goal;

E) recommended objectives and services to attain the stated employment goal; and

F) a summary of the staffing conducted, including customer comments.

3) A training and placement report shall be written at least every eight weeks, or quarterly if the customer is receiving Extended Services, that summarizes the following:

A) accomplishment of the objectives;

B) remaining services needed by the customer to achieve the employment goal; and

C) a summary of the staffings conducted, including the customer's comments.

4) When a successful placement has been achieved, the report shall also address the following:

A) place of employment;

B) date of job placement;

C) job title;

D) wages;

E) hours of work per week;

F) customer satisfaction with all aspects of the placement; and
G) any post-employment services needed.

g) Individual Program Standards**1) Evaluation**

A) Evaluation methods, techniques and work sites shall be relevant to the customer's needs.

B) The customer shall be able to choose an employment goal and

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a service plan as a result of the evaluation services provided.

2) Training

A) Individually designed services shall be provided that meet the customer's specific needs and desires and are consistent with his/her employment goal.

B) The customer shall be able to achieve his/her employment goal as a direct result of service provided.

3) Placement

A) Each customer shall be provided a vocational assessment service that will assist him/her in identifying and understanding:

- i) his/her vocational assets;
- ii) his/her vocational needs, including income, hours of employment, and transportation;
- iii) specific characteristics of an employment area; and
- iv) potential employment opportunities, including a listing of these employers.

B) The employment goal established for the customer shall include the number of hours of employment per week.

C) Job search activities shall include the customer whenever possible and shall be consistent with the customer's employment goal and safety and accessibility needs.

D) Documentation of each employer contact made on behalf of the customer shall be maintained.

E) Follow-up services, including when appropriate on-site job coaching services and off-site job retention counseling, shall be provided in accordance with the customer's needs and are designed to ensure the customer's successful job retention.

4) Work Services

A) Each customer shall be offered at least 20 hours of paid work per week.

B) Within one year after entering employment, each customer shall be provided with the same benefits provided comparable classified employees.

C) The agency shall ensure there are no charges to customers for the privilege of employment.

D) All charges for optional or additional rehabilitation services shall be made in advance and with the agreement of the customer.

E) The agency must reassess each customer's potential for community employment at least annually.

Section 530.140 Safety

Each agency shall ensure:

- a) all services are provided in a safe environment;

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b) a staff person is responsible for developing and maintaining the agency's safety program.

c) an executive safety committee has been established with clearly defined responsibilities, including:

- 1) at least quarterly, review and complete a written assessment of the effectiveness of the safety program;

2) develop a written emergency plan that details staff action and responsibilities in the event of fire, power failure, and natural disasters;

- 3) maintain an accident prevention program; and
- 4) maintain an accident reporting system that includes a review of the incident reports made and the recommendations for corrective action;

d) test drills are completed at least quarterly and the results of the drills are sent to the executive safety committee;

e) that at least annually, inspections are completed by local or State fire control agencies that give the agency a satisfactory rating for each site operated by the agency. If an unsatisfactory rating is given, the agency must take immediate corrective action;

f) independent, comprehensive safety inspections are conducted at least every two years by qualified safety specialists; and

g) staff currently certified in first aid and cardiopulmonary resuscitation are available at all times when and in all locations where customers are present in the agency's facilities.

a) Physical Plant

1) The physical plant of the program and its environment shall be arranged and maintained to assure compliance with the Illinois Accessibility Code (71 Ill. Adm. Code 4007).

2) The Program Director shall designate a staff member who will be responsible for developing and maintaining a safety program in accordance with subsection (a).

3) An executive safety committee shall be appointed with clearly defined responsibilities for the safety programs of the program, including:

A) meeting at least quarterly to review the program's safety program and complete a written evaluation of the effectiveness of the program

B) developing a written emergency plan detailing staff action and responsibilities, including provision for fire evacuation, power failure, and natural disasters;

C) establishing a system of accident prevention; and

D) include a review of the incident reports made and recommendations for corrective action.

4) The program staff shall conduct test drills of the emergency plan at least once each six weeks, with written results of the test drills being forwarded to the Director of the facility.

5) The Program shall have evidence of a satisfactory inspection by

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local-or-State-fire-control-agencies-at-least-once-each-12 months, or sooner if required by State or local standards;
 6) the program shall utilize, at least once every two years, competent safety specialists to give a licensed or registered safety engineer a representative of a state agency providing Occupational Safety and Health Administration type inspections on a consultative basis; a safety consultant or representative of the program is insured to complete safety surveys of all program locations; programs and equipment;

- b) Emergency treatment
 1) the program shall provide an area for temporary isolation and care of clients who become ill while at the program;
 2) the program shall have a person(s) trained to render first aid including cardiopulmonary resuscitation (e.g., Red-Cross, local hospital);
 3) the program shall have a written operational procedure designed to provide protection to all individuals in the program in the event of catastrophic emergencies (e.g., fire, tornado, flood);

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C: CONTRACTS WITH COMMUNITY REHABILITATION AGENCIES PROGRAMS

Section 530.200 Disposition of Referrals

- a) When an agency a--program refers a customer client to DHS-ORS for services, DHS-ORS shall notify the agency program, in writing, of the disposition of the referral within 30 calendar days of receipt of the referral. This notification shall include the name of the counselor, the customer's client's current status with DHS-ORS and any pertinent information regarding the customer client, including the possibility and projected date, of DHS-ORS funding of services for the customer client.
- b) When DHS-ORS refers a customer client to an agency a--program for services, the agency program shall notify DHS-ORS, in writing, of the disposition of the referral within 30 calendar days of receipt of the referral. This notification shall include the expected date of admission and/or any other pertinent information regarding the customer's client's entry into the program; e.g., information about the disability, vocational and social history, educational background and medical and psychological information.
- c) Once a customer client is accepted for services and is involved in programming, both parties agree to notify one another of the termination of customer client services and/or sponsorship of services within five working days after of the effective date.

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.230 Program Outcomes

To be claimed as a successful outcome, the following criteria in the indicated categories must be met.

- a) To be considered to have achieved a successful outcome:

- 1) the individual must:
 - A) have a physical or mental disability which, for the individual, causes, or may cause, a substantial impediment to employment;
 - B) have an active IPE IWRP and Individual Service Plan Program placement plan; and
 - C) participate in at least one of the programs or services offered by the agency Program as evidenced by group billings submitted to DHS-ORS.
- 2) these criteria must be met:
 - A) the employment outcome is consistent with the individual's abilities and interests;
 - B) the outcome meets the individual's needs in terms of income, security, opportunity for advancement and employment outcome;
 - C) the individual performs the job duties effectively and efficiently;
 - D) the employment and working conditions are not contraindicated based on the customer's client's disability, and the customer client will not jeopardize the health and safety of others while on the job site;
 - E) the employment is regular and reasonably permanent; and
 - F) a follow-up service plan has been developed and such services will be provided to the individual as necessary to afford him/her the client every opportunity to maintain employment. Follow-up must be maintained for a minimum of 90 60 days after placement and stabilization of the customer client on the work-site.

- b) DHS-ORS shall award a competitive outcome within an agency a--Program operated program when:
- 1) the customer client is making at least minimum wage;
 - 2) no other State or federal agency is funding the customer client as a sheltered employee (Section 530.130(a)(16)(C));
 - 3) a job description is in place which gives evidence the position is an agency staff position;
 - 4) the customer client receives the same benefits and privileges of employment as other agency employees; and
 - 5) the site is integrated; and
 - 6) the customer has maintained employment for at least 90 calendar days.

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- c) DHS-ORS shall award a successful Supported Employment outcome when the customer client has maintained job stability for a period of 90 60 days or more and extended services are being provided through a source other than DHS-ORS. Additionally Supported-Employment-is-community integrated-employment-for-individuals-with-severe-disabilities-for whom-competitive-employment-has-traditionally-not-occurred-or-has-been interrupted-as-a-result-of-a-severe-disability-and:

- 1) severely disabled workers are employed in groups of eight or less; and
 - 2) the customer client is in need of, and is provided, on-going support services at a rate of at least 2 contacts per month.
- d) DHS-ORS shall award a successful placement in work services when the customer client:
- 1) is offered an average of at least 20 hours of paid work per week per pay period;
 - 2) earns at least 25% of the minimum prevailing wage for-the locality-in-which-the-job-is-performed; and
 - 3) has maintained employment for at least 90 60 calendar days.

e) Outcome Verification

- 1) Successful outcomes will be reported monthly by agencies Programs paid through Level of Funding or Base Plus Performance agreements and quarterly by Fee for Service agencies Programs.
- 2) Successful outcomes are determined by the DHS-ORS counselor serving the particular customer client and are stated in the customer's IPE client's-IWRP (89 Ill. Adm. Code 572). Verification depends upon the customer client achieving the employment outcome stated in his/her IPE IWRP.

A) Multiple outcomes may be credited for the same customer client when the services provided by the agency Program are needed for the customer client to attain each employment goal, the outcome identified was included in the customer's IPE client's-IWRP and the customer client is making progress toward towards a an-integrated competitive employment outcome.

B) Two agencies Programs may be awarded one-half an outcome credit when the customer client has participated in approved programming of each agency Program and the services provided by each agency contributed toward program-were--contributory to the achievement of the goal. No more than two agencies Programs may share an outcome.

C) If the DHS-ORS counselor does not approve a successful outcome submitted by an agency a-Program, the counselor shall make written notice of the rejection to the agency within 45 days Program.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 530.240 Designated Program Week

Services purchased by DHS-ORS on a full time weekly basis shall offer at least 25 hours of program time per week. For placement services, the program hours will relate to the customer's individual's needs and activities as outlined in the individual's customer's individualized Plan for Employment (IPE) Written Rehabilitation-Program-IWRP (89 Ill. Adm. Code 572).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.250 Types of Contracts

a) Base Plus Performance

1) This contract is a partial assurance arrangement which divides the total dollars into two funding components. The purpose is to develop a customer an-individual--client driven contract which allows the agency Program to provide the needed array of services.

2) The "Base" component provides the guarantee that between 30 and 70 percent of the total contract dollars for a designated minimum number of program slots available to DHS-ORS customers clients will be paid to the agency Program. Each contract will specify the base percentage guaranteed the agency Program, which is determined by the agency Program during annual contract negotiations.

3) The "Performance" component provides payment for outcomes attained. The number of agreed upon outcomes is determined through negotiations between DHS-ORS and the agency Program. The balance of the total contract not used in the base component is divided by the number of projected outcomes to identify an outcome value which will be paid to the agency Program for each verified successful outcome achieved. In addition, agencies Programs may be able to earn an additional percentage, up to the ceiling established by DHS-ORS, of the performance component amount for additional competitive outcomes.

4) Equal payments based on the entire contract will be made for the first 10 months. The 11th payment may be adjusted based on actual performance. The 12th and final payment will be based upon the total outcomes reported and verified. If the agency Program exceeds both competitive and total outcome goals, DHS-ORS will allow payment for additional competitive outcomes, depending on available funding. Payment for additional outcomes will be added to the 12th payment. All payments shall be based on each agency's Program's contract.

b) Level of Funding

1) An arrangement whereby funds are set aside based upon the projected number of weeks of service that will be provided to

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DHS-ORS customers' clients and successful outcomes. Contract dollars are earned through provision of services or the attainment of outcomes, whichever is higher. This type of contract provides no payments for performance over and above the levels specified in the contract.

- 2) Equal payments based on the entire contract will be made for the first 11 months. The final payment will be made without adjustment when the service or outcome levels reach 99% of the projected levels. ~~If service and successful outcome levels both fall below 99%, the total contract will be reconciled at the higher level of the two.~~

- c) Cooperative Working Rate Agreement
These are fee for service agreements that identify approved services and rates of payments. They require no contract and have no funding set aside or assured funding levels. The agency program is paid only for services provided through individual authorization.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 530.260 Fiscal and Administrative Standards

- a) Facilities shall keep the following records for a minimum of 5 years:
1) copies of all forms and billings required by, and submitted to,

DHS-ORS;

- 2) records of customer client service hours kept by time clock, time cards or time sheets signed by the customer client;

- 3) records of payments made to customers' clients for lunches, transportation and/or maintenance when authorized by DHS-ORS.

Such records must include a signed receipt or cancelled check for each payment; and

- 4) confidential case records as defined in Section 530.130.

- b) Monitoring/Review

- 1) A the DHS-ORS Program Advisor Regional--Facility/Supported Employment--Specialist shall review the service provisions specified in the agency's program's contract/agreement and successful placement reports monthly for each program-in-his/her Region. Monthly reports will be compiled into quarterly reports and submitted to DHS-ORS Central Office by the Program Advisor Regional-Facility/Supported-Employment-Specialist no later than 30 calendar days after the end of each quarter.

- 2) On-site reviews shall be conducted by the Program Advisor Regional--Facility/Supported-Employment-Specialist every 2 years for the purpose of determining if the essential components of the DHS-ORS contract are being carried out. A copy of the agency's program's evaluation management report shall be sent to the Program Advisor Regional-Facility/Supported-Employment-Specialist annually.

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- 3) The Bureau Division of Community Services will maintain statewide monitoring information on outcome and utilization levels, as well as expenditures made under cooperative working agreements with agencies programs. This information, along with input from the Program Advisor Regional-Community-Facility/Supported-Employment Specialist, shall be used to identify agency program contracts which need revision.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the Regulatory Agenda was prepared.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Numbers: Proposed Action: Amendment 82.200
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/31.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Section on spousal assets to remove the minimum DON score of 75 points from the rule. This change will allow a spouse of a person receiving Home Services to protect a specified value of the assets of the couple.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation
682.300 Amended May 21, 1999 23 Ill. Reg. 5982

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 783-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER 6: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100 General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200 Assets Limitation
682.210 Transfer of Assets
682.220 Exempt Assets
682.230 Assets Held in Joint Ownership
682.240 Income Allowances
682.250 Cost Sharing Provisions
682.260 General Exceptions to Cost Share Provisions

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400 Redetermination Requirements
682.410 Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section
682.500 Exceptions to Eligibility Standards
682.510 Exceptions to Cost Sharing Provisions
682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

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SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 3981, effective March 19, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.200 Assets Limitation

- a) Adult customers, age 18 years or above, may have no more than \$10,000 in customer-only non-exempt assets in order to receive services through HSP.
- b) Minor customers, those under 18 years, may have no more than \$30,000 in total family non-exempt assets. In order to determine total family assets, the customer and all other individuals who contribute to the family unit, or rely on the family unit for support, shall be counted.
- c) A married customer, with a total ~~non-score-of-75-points-or-more-and~~ whose spouse does not receive HSP services and is not institutionalized, shall not own interest in non-exempt assets having a total value in excess of \$10,000. Non-exempt assets having a value over this figure and up to the amount allowed by the Community Spouse Asset Allowance, as adopted by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.379(d), must be transferred to, or for the sole benefit of, the community spouse. If the customer's assets exceed the asset disregard and prevention of spousal impoverishment amount, but the excess is less than \$10,000, the customer is eligible for HSP services. If the excess is greater than \$10,000, the individual is ineligible for services. Customers who may be qualified for the spousal impoverishment exception may receive Interim Services while the Department of Public Aid determines the eligibility factor.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Provisions

2) Code Citation: 32 Ill. Adm. Code 310

3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.15	Amendment
310.20	Amendment
310.50	Amendment
310.74	New Section
310.80	Amendment
310.81	Amendment
310.82	Amendment
310.90	Amendment
310.140	Amendment

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to: (1) change the title of the Part to implement the agreement between the Department, the Joint Committee on Administrative Rules and the Secretary of State's Office; (2) add several definitions; (3) reference statutory changes regarding criminal penalties; (4) add a cost recovery Section to the rule to implement provisions of the Radiation Protection Act of 1990; and (5) update cross references and make minor editorial changes so that the style of this rule is consistent with other Department rules.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

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NOTICE OF PROPOSED AMENDMENTS

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
217/524-1003 (voice)
217/782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that this amendment will impact small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER 11: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 310
GENERAL PROVISIONS FOR RADIATION PROTECTION

Section	Scope
310.10	Incorporations by Reference
310.15	Definitions
310.20	Exemptions
310.30	Records
310.40	Inspections
310.50	Tests
310.60	Additional Requirements
310.70	Cost Assessment
310.74	Emergency Response Cost Recovery
310.75	Violations
310.80	Policy for Assessment of Civil Penalties
310.81	Procedures for Assessment of Civil Penalties
310.82	Impounding
310.90	Prohibited Uses
310.100	Communications
310.110	Plans and Specifications
310.120	The International System of Units (SI) (Repealed)
310.130	Units of Exposure and Radiation Dose
310.140	Units of Activity
310.150	Transport Grouping of Radionuclides (Repealed)
APPENDIX A	Tests for Special Form Licensed Material (Repealed)
APPENDIX B	Penalty Assessment Worksheet (Repealed)
APPENDIX C	

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill. Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets.

Section 310.15 Incorporations by Reference

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All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY-NRPS--in this Part--the Department has incorporated--by--reference--the Appendices--to--10--CFR--20--effective--as--of--January--1--1994--These appendices were originally published at 56 FR 23360--23474--(May 24--1991)--Corrections were published at 56 FR 61352--61353--(December 31--1991)--and an amendment was published at 57 FR 57877--57879--(December 8--1992)--The incorporation includes the 1991 correction and the 1992 amendment.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 310.20 Definitions

As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d 3107--3307--3307 3317--3327--3337--3407--3417--3507--3517--4007--4017--601--and--606, these terms have the definitions set forth below. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" (particle accelerator) means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 (the Act) (111--Rev--Stat--1991; ch--111--1/27; par--210--3--et--seq--including--P.A.--87--1024 and--87--1166) [420 ILCS 40 including P.A. 87-1024, effective September 6-1992, and P.A. 87-1166, effective September 18-1992].

"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

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"Agreement State" means any state with which the U. S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended (42 USC 8556- 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

"Airborne radioactivity area" means any room, enclosure, or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the derived air concentrations (DACs) specified in Appendix B to 10 CFR 20.1001 - 20.2401, effective January 1, 1998 1994, exclusive of subsequent amendments or editions; or

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"As low as is reasonably achievable" (ALARA) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices. Background radiation does not include radiation from radioactive materials regulated by the Department.

"Becquerel" (Bq) means the SI unit of activity. One becquerel (Bq) is equal to 1 disintegration (transformation) per second (dps or tps).

"Bioassay" (radiobioassay) means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

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"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of less than 6 centimeters, by surface, intracavitary or interstitial application.

"Byproduct material" means: (1)

any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material; and (2)

the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes. [420 ILCS 40/4(a-5)] [see Section-4(a)-of-the-Act]

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him for determining calendar quarters except at the beginning of a year.

"Calibration" means the determination of:

the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating Agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboxylic acid, and glucinic acid).

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Committed dose equivalent" (H(T,50)) means the dose equivalent to organs or tissues of reference (T) that will be received from an

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intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" (H(E,50)) means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues (H(E,50) = $\sum w(T)H(T,50)$).

"Curie" means a unit of quantity of radioactivity. One Curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps).

"Declared pregnant woman" means any woman who has voluntarily informed her employer, in writing, of her pregnancy.

"Deep dose equivalent" (H(d)) means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Densitometer" means a device that is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Department" means Illinois Department of Nuclear Safety.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

"Director" means the Director of the Department of Nuclear Safety. [420 ICS 40/4(c)] (See Section 4(c) of the Act.)

"Dose" (radiation dose) means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

"Dose equivalent" (H(T)) means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors (e.g., a distribution factor for non-uniform deposition) at the location of interest. The units of dose equivalent are the sievert (Sv) and the rem.

"Dose limits" (limits) means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter 11, Subchapters b and d.

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"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to such devices.

"Effective dose equivalent" (H(E)) means the sum of the products of the dose equivalent to each organ or tissue (H(T)) and the weighting factor (W(T)) applicable to each of the body organs or tissues that are irradiated (H(E) = $\sum W(T)H(T)$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " dm " are completely stopped in air. (See Section 310.140 of this Part for SI unit coulomb per kilogram (C/kg) and the special unit roentgen (R.)) ; or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the "exposure" per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee and leg below the knee.

"Eye dose equivalent" or "lens dose equivalent" means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 milligrams per square centimeter).

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass

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experimental facilities where ABC or NRC licenses have been terminated.

"Gray" (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg)(100 rad).

"Healing Arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescence ~~thermoluminescent~~ dosimeters (TLDs), optically stimulated dosimeters (OSDs), pocket ionization chambers, personal air sampling devices and electronic dosimeters (e.g., silicon diode dosimeters).

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Department.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

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"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"Lens dose equivalent" (see "Eye dose equivalent")

"License" means any license issued by the Department in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Department.

"Licensee" means any person who is licensed by the Department in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensing State" means any state which has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a state has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as licensing states those states with regulations for control of radiation relating to, and an effective program for the regulatory control of, NARM.

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as sealed sources in quantities exceeding the quantities specified in Appendix C to 10 CFR 20.1001 - 20.2401, effective January 1, 1998 1994, exclusive of subsequent amendments or editions, by a factor of at least 10(3), or radioactive material as sealed sources in quantities exceeding the quantities specified in Appendix C to 10 CFR 20.1001 - 20.2401 by factor of at least 10(10).

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" (radiation monitoring or radiation protection monitoring)

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means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include by product, source, or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

Nuclear Regulatory Commission" (NRC) means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individuals assigned duties for the licensee or registrant involve exposure to sources of radiation. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Department, ~~as--a--patient from--medical--practices~~ from voluntary participation in medical research programs, or as a member of the public.

"Operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation.
[420 ILCS 40/4(d-7)]

Operator" means any individual, group of individuals, partnership, firm, corporation or association conducting the business or activities carried on within a radiation installation.

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 Ill. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system and auxiliary equipment may be designated as part of the packaging.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or

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political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under Federal law. [420 ILCS 40/4(e)] ~~(See Section 4(e) of the Act.)~~

"Personnel monitoring equipment" (see "Individual monitoring devices").

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act of 1987 ~~(111--Rev--Stat--1991--ch--311--par-4121--et--seq-7)~~ [225 ILCS 85] to compound and dispense drugs, prescriptions, and poisons.

"Physician" means an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 ~~(111--Rev--Stat--1991--ch--1489-1-et--seq-7)~~ [225 ILCS 60], the Illinois Dental Practice Act ~~(111--Rev--Stat--1991--ch--311--par-2491-et--seq-7)~~ [225 ILCS 25] or the Podiatric Medical Practice Act of 1987 ~~(111--Rev--Stat--1991--ch--311--par-4861-et--seq-7)~~ [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Public dose" means the dose received by a member of the public from sources of radiation from licensed or registered operations. Public dose does not include occupational dose, or dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Department, ~~as--a--patient from--medical--practices~~ or from voluntary participation in medical research programs.

"Qualified engineering expert" means any person qualified under the Illinois Architecture Practice Act of 1989 ~~(111--Rev--Stat--1991--ch-117--par-1363-et--seq-7)~~ [225 ILCS 305], the Structural Engineering Licensing Act of 1989 ~~(111--Rev--Stat--1991--ch--117--par-6691-et-seq-7)~~ [225 ILCS 340] and/or any required combination thereof.

"Quality factor" (Q) means the modifying factor (listed in Section 310.140, Tables 1 and 2 of this Part) that is used to derive dose

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equivalent from absorbed dose.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy).

"Radiation" (ionizing radiation) means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter, but does not include sound or radio waves, or visible infrared or ultraviolet light. [420 ILCS 40/4(f)] (See Section 4(f) of the Act.)

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

"Radiation emergency" means the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare and safety. [420 ILCS 40/4(f-5)]

"Radiation Installation" is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose [420 ILCS 40/4(g)], (See Section 4(g) of the Act.) except where such radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means any device that produces radiation when in use [420 ILCS 40/4(h)], (See Section 4(h) of the Act.) except those which produce radiation only from radioactive materials.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

"Radioactive material" means any solid, liquid, or gaseous substance which emits radiation spontaneously. [420 ILCS 40/4(i)] (See Section 4(i) of the Act.)

"Radioactivity" means the disintegration (transformation) of unstable atomic nuclei by the emission of radiation.

"Radiobiocassay" (see "Bioassay").

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"Registrant" means any person who is registered with the Department and is legally obligated to register with the Department pursuant to the Radiation Protection Act of 1990 [420 ILCS 40] ~~Installation Act (420 ILCS 40)~~ ~~Stat. Ch. 112, Sec. 1-1~~ ~~par. 1-1~~ ~~et seq.~~ (420 ILCS 40) and 32 Ill. Adm. Code 320.10.

"Registration" means registration with the Department in accordance with 32 Ill. Adm. Code 320.10.

"Regulations of the U.S. Department of Transportation" (U.S. DOT) means the regulations in 49 CFR 100-189, revised as of October 1, 1996 1993, exclusive of any subsequent amendments or editions.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Restricted area" means any area access to which is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to sources of radiation. Restricted area shall not include areas used for residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 x 10⁻⁴ coulombs per kilogram (C/kg). (See "Exposure" and Section 310.140 of this Part.)

"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material. ~~"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material. (See Ill. Rev. Stat. 1993, ch. 112, par. 1-14(f)) (420 ILCS 40/4(f))~~

"Sensitometer" means a device that is used to test the setup and

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stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shallow dose equivalent" (H_{sl}), which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 milligrams per square centimeter) averaged over an area of 1 square centimeter.

"SI" means the abbreviation for the International System of Units.

"Sievert" (Sv) means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ores which contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium or any combination thereof.

Source material does not include special nuclear material.

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, revised as of January 1, 1998 199t, exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1984.

"Special nuclear material" means: ††

plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Department

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declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or ‡‡

any material artificially enriched by any of the foregoing, but does not include source material. [420 ILCS 40/4(1)] (see Section 4(1) of the Act.)

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. Such an evaluation includes, but is not limited to, measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" (TEDE) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" (TODE) means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating or refining.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of

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individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations and the reuse of recovered non-uranium special nuclear and by product materials from the cycle.

"U.S. Department of Energy" means the agency created by the Department of Energy Organization Act (established by P.L. 95-91, 91 Stat. 565, 42 USC 8585-87 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233 at 1237, 42 USC 8585-87 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565 at 577-578, 42 USC 8585-87 7151).

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in 1 hour at 1 meter from a source of radiation or from any surface that the radiation penetrates.

AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste handling licensee" means a person licensed by the NRC, the Department, an Agreement State or a Licensing State to receive radioactive wastes for storage, treatment, or both storage and treatment prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

"Week" means 7 consecutive days starting on Sunday.

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"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Department and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3 x 10⁵ Mev of potential alpha particle energy. The short-lived radon daughters are for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" (WLM) means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 310.50 Inspections

- a) Each person shall afford the Department at all reasonable times opportunity to inspect radiation installations and sources of radiation and the premises and facilities wherein such radiation installations and sources of radiation are used or stored.
- b) Each person shall make available to the Department for inspection, upon reasonable notice, records maintained pursuant to 32 Ill. Adm. Code: Chapter II, Subchapters b and d.
- c) The Department is authorized ~~shall have the~~ power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this Act and rules and regulations issued thereunder. The Department may inspect and investigate premises, operations, and personnel and have access to and copy records for the purpose of evaluating past, current, and potential hazards to the public health, workers, or the environment resulting from radiation. Entry--except-that-entry into areas under jurisdiction of the Federal

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Government shall be effected only with the concurrence of the Federal Government or its duly designated representative. [420 ILCS 40/27] {See-Section-27-of-the-Act-}

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 310.74 Cost Assessment

The Department has authority under the Radiation Protection Act of 1990 [420 ILCS 40] to take actions necessary to abate violations of the Act or any rules or regulations promulgated under the Act and may provide that all or a portion of the cost of such actions be assessed to operators of radiation installations or other persons responsible for the violation or contamination. [420 ILCS 40/36]

- a) The Department may assess all or a portion of the costs incurred to abate violations to responsible operators of radiation installations or other responsible persons. Costs that are assessed shall be based on the Department's actual response costs, including, but not limited to:
 - 1) Time required by the Department professional staff to coordinate response;
 - 2) Time spent traveling and providing administrative support;
 - 3) Performance or oversight of decontamination activities at properties contaminated with radioactive material;
 - 4) Performance or oversight of confirmatory environmental monitoring;
 - 5) Performance or oversight of treatment, storage, transfer and disposal of sources of radiation;
 - 6) Equipment and supplies; and
 - 7) Contractual support, if any, incurred by the Department.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department and laboratory fees charged to the Department.

- b) Any party affected by an order of the Department assessing cost shall have the right to a hearing before the Department in accordance with 32 Ill. Adm. Code 200.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 310.80 Violations

- a) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this Act, or who violates any determination or order of the Department promulgated pursuant to the Act is guilty of a Class A misdemeanor; provided each day during which

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violation continues shall constitute a separate offense; and in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided. [420 ILCS 40/39(a)] {See-Section-39-of-the-Act-}

- b) A person who knowingly makes a false material statement to a Department employee during the course of official Department business or in an application for accreditation, certification, registration or licensure under the Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense. [420 ILCS 40/39(b)(1)]

- c) A person who knowingly alters a credential, certificate, registration, or license issued by the Department for the purpose of evading a requirement of the Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense. [420 ILCS 40/39(b)(2)]

- d) Whenever the Department believes upon inspection and examination of a radiation installation or a radiation source as constructed, operated, or maintained that there has been a violation of any of the Department's rules or regulations promulgated pursuant to the Act, the Department, in addition to taking other enforcement action, may impose a civil penalty, not to exceed \$10,000 for such violation, provided each day the violation continues shall constitute a separate offense. [420 ILCS 40/36] {See-Section-36-of-the-Act-}

- e) The penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General. [420 ILCS 40/39(c)] {See-Section-39-of-the-Act-}

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 310.81 Policy for Assessment Civil Penalties

- a) Civil penalties ~~whenver-the-Department-believes-upon-inspection-and-examination-of-a-radiation-installation-or--a-radiation-source--as-constructed--operated-or-maintained-that-there-has-been-a-violation-of-any-of-the-provisions-of-the-Act--or-of-any-rules-or-regulations-promulgated-pursuant-to-the-Act--the-Department--in-addition-to-taking-other-enforcement-action--may-impose-a-civil--penalty--not-to-exceed-\$10,000--for-such-violation--~~ {See-Section-36-of-the-Act-}; Penalties shall be assessed in accordance with the provisions of this Section and Section 310.82 of this Part.

- b) A civil penalty will be assessed whenever the Department, based on consideration of the factors set forth in subsection (c) of this Section ~~below~~ determines that a civil penalty is appropriate and issues a Preliminary Order and Notice of Opportunity for Hearing, in accordance with 32 Ill. Adm. Code 200.60.

- c) The Department shall consider the factors contained in subsection 1) The Department shall consider the factors contained in subsection

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(c)(2) of this Section below to determine whether a penalty should be assessed, as provided in subsection (d) of this Section below, and the amount of the penalty. However, if the Department has by rule established the amount to be assessed for a particular violation, the Department shall assess the penalty as specified in that rule without regard to the factors contained in subsection (c)(2) of this Section below.

AGENCY NOTE: For an example of a rule that establishes the amount of the civil penalty to be assessed, see 32 Ill. Adm. Code 401.170, which specifies the civil penalties to be assessed for violations of the Department's radiologic technologist accreditation requirements.

The factors to be considered by the Department are:

- 2) A) History of Previous Violations. The Department shall consider the person's history of previous violations of the Radiation Protection Act of 1990, the Department's rules promulgated under that Act, and licenses issued pursuant to the Act. Each prior violation will be considered without regard to whether it led to a civil penalty assessment. A prior violation shall not be considered, however, if the notice or order relating to the prior violation is the subject of pending administrative or judicial review, or if the time to request such review or to appeal any administrative or judicial decision relating to the prior violation has not expired. The Department shall not consider a prior violation if a Preliminary or Final Order pertaining to that prior violation has been vacated. The Department shall not consider previous violations that occurred more than 6 six years prior to the issuance of the Preliminary Order.

B) Severity of the Violation. The Department shall consider the severity of the violation, including, but not limited to, actual or potential contamination of the environment resulting from the violation and any actual or potential hazard to the health or safety of the public or to workers, resulting from the violation. When evaluating the severity of the violation, the Department may also consider the impact that the violation has on the Department's ability to determine compliance with requirements established by statute, regulation or license condition.

C) Culpability. The Department shall consider whether the person to whom the Preliminary Order was issued was negligent in causing, allowing, or failing to correct the violation, condition, or practice which was cited in the Preliminary Order. The Department shall also consider:

- i) whether the violation was intentional or inadvertent;
- ii) whether the violation was allowed to continue once identified;

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- iii) whether actions were taken to correct or mitigate the violation and the timeliness of such actions; and
- iv) whether the violation was voluntarily reported to the Department.

d) Determination of the Amount of Penalty: Assessment of Separate Violations for Each Day

- 1) The Department may assess a civil penalty not to exceed ten thousand dollars (\$10,000) per violation for each day the violation continues. In determining whether to make such an assessment, the Department shall consider the factors listed in subsection (c) of this Section above; however, if the Department's rules specify the amount of the civil penalty to be assessed for a particular violation, the Department shall assess the civil penalty in that amount so specified, without consideration of the factors listed in subsection (c) of this Section above.

- 2) When determining the amount of penalty, the Department shall consider each day of a continuing violation to be a separate violation. Accordingly, the Department may assess a separate penalty, in accordance with this Section and Section 310.82 of this Part, for each day that a violation continues.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 310.82 Procedures for Assessment of Civil Penalties

- a) Issuance of Assessment

- 1) If the Department assesses a civil penalty pursuant to Section 310.81(b) of this Part, it shall do so by issuing a Preliminary Order and Notice of Opportunity for Hearing pursuant to 32 Ill. Adm. Code 200.

- 2) The Preliminary Order and Notice of Opportunity for Hearing shall contain, for each violation alleged, the proposed civil penalty to be assessed and the Department's basis for proposing the assessment.

- b) Payment of Assessment

Unless a hearing has been requested by the deadline specified in the Preliminary Order and Notice of Opportunity for Hearing, within thirty (30) days after issuance of the Preliminary Order, the person upon whom the penalty was assessed shall pay the penalty in full.

- c) Procedures for Hearing

- 1) The person to whom the Preliminary Order and Notice of Opportunity for Hearing was issued may appeal the imposition of the civil penalty by submitting a written request for a hearing in accordance with 32 Ill. Adm. Code 200.70.
- 2) Upon receiving such a request for a hearing, the Department shall conduct a public hearing regarding the finding of violation or

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the penalty assessment, in accordance with the provisions of 32 Ill. Adm. Code 200.

- 3) After the hearing is held, the Director shall issue a Final Order in accordance with 32 Ill. Adm. Code 200.230.

- d) Final Assessment and Payment of Penalty

1) If the person to whom a Preliminary Order and Notice of Opportunity for Hearing is issued fails to request a hearing ~~as provided in subsection (b)~~ above, the preliminary Order shall become a final order of the Department and the penalty assessed shall become due and payable within the ~~thirty~~ 30 days from issuance of the Preliminary Order.

2) If either the person to whom a Preliminary Order and Notice of Opportunity for Hearing is issued requests judicial review of a final order of the Department, the penalty assessed in accordance with Section 30.8(c) of this Act shall not be payable until completion of the review.

3) The civil penalties provided herein shall be recoverable in an action brought in the name of the people of the State of Illinois by the Attorney General.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 310.90 Imponding

- a) Authority of Department in cases constituting an immediate threat to health. Notwithstanding any other provision of the Act, whenever the Department finds that a condition exists which constitutes an immediate threat to health due to the violation of any provisions of this Act or any code, rule, regulation or order promulgated under this Act and requiring immediate action to protect the public health or welfare, it may issue an order reciting the existence of such an immediate threat and the findings of the Department pertaining thereto. The Department may summarily cause the abatement of such violation or may direct the Attorney General to obtain an injunction against such violator. [420 ILCS 40/38] (See Section 98 of the Act.)

- b) Such order shall be effective immediately but shall include notice of the time and place of a public hearing before the Department to be held within 30 days of the date of such order to assure the justification of such order. On the basis of such hearing the Department shall continue such order in effect, revoke it or modify it. Any party affected by an order of the Department shall have the right to waive the public hearing proceedings. [420 ILCS 40/38] (See Section 98 of the Act.)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 310.140 Units of Exposure and Radiation Dose

- a) As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the unit of exposure is the coulomb per kilogram (C/kg) or roentgen (R). One roentgen (R) is equal to 2.58×10^{-4} C/kg.

- b) As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the units of radiation dose are:

- 1) "Gray" (Gy) is the SI unit of absorbed dose. One Gy is equal to an absorbed dose of 1 joule per kilogram (J/kg). (1 Gy = 100 rad).
- 2) "rad" is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg). (1 rad = 0.01 Gy).
- 3) "rem" is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

- 4) "Sievert" (Sv) is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

- c) As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the quality factors for converting absorbed dose to dose equivalent are as follows:

Type of Radiation	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent(a)
X, gamma or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

(a) *Absorbed dose in gray equal to 1 Sv or the absorbed dose in rad equal to 1 rem.

- d) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in rem per hour or sievert per hour, as provided in subsection (c) of this Section, 0.01 Sv (1

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rem) of neutron radiation of unknown energies may, for purposes of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee may convert a measured tissue dose in gray (rad) to dose equivalent in sievert (rem) by using the fluence rate per unit dose equivalent or the appropriate Q value shown below.

Neutron Energy (Mev)	Quality Factor(a) (Q)	Fluence per Unit Dose Equivalent(b) (neutrons cm(-2) Sv(-1))	Fluence per Unit Dose Equivalent(b) (neutrons cm(-2) rem (-1))
2.5 E(-8) {#-8+}	2	980 E(8)	980 E(6)
(thermal)			
1 E(-7)	2	980 E(8)	980 E(6)
1 E(-6)	2	810 E(8)	810 E(6)
1 E(-5)	2	810 E(8)	810 E(6)
1 E(-4)	2	840 E(8)	840 E(6)
1 E(-3)	2	980 E(8)	980 E(6)
1 E(-2)	2.5	1010 E(8)	1010 E(6)
1 E(-1)	7.5	170 E(8)	170 E(6)
5 E(-1)	11	39 E(8)	39 E(6)
1	11	27 E(8)	27 E(6)
2.5	9	29 E(8)	29 E(6)
5	8	23 E(8)	23 E(6)
7	7	24 E(8)	24 E(6)
10	6.5	24 E(8)	24 E(6)
14	7.5	17 E(8)	17 E(6)
20	8	16 E(8)	16 E(6)
40	7	14 E(8)	14 E(6)
60	5.5	16 E(8)	16 E(6)
1 E(2)	4	20 E(8)	20 E(6)
2 E(2)	3.5	19 E(8)	19 E(6)
3 E(2)	3.5	16 E(8)	16 E(6)
4 E(2)	3.5	14 E(8)	14 E(6)

(a) Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

(b) Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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_____)

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1) **Heading of the Part:** Notices, Instructions and Reports to Workers; Inspections

2) **Code Citation:** 32 Ill. Adm. Code 400

3) **Section Number:** Proposed Action:

400.10 Amendment

400.110 Amendment

400.120 Amendment

400.130 Amendment

400.140 Amendment

400.150 Amendment

400.170 Amendment

4) **Statutory Authority:** Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 (420 ILCS 40/16 and 29), and Section 5 of the Personnel Radiation Monitoring Act (420 ILCS 25/5).

5) **A Complete Description of the Subjects and Issues Involved:** The Department is proposing to amend this Part for (1) delete references to the nondepartment qualified inspector program due to statutory changes; and (2) make editorial changes to conform to JCAR format.

6) **Will these proposed amendments replace emergency rules currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive

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Springfield, Illinois 62704

(217) 524-1003 (voice)

(217) 782-6133 (TDD)

12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities or not for profit corporations affected:** The Department does not believe that these amendments will impact small businesses, small municipalities or not for profit corporations.

B) **Reporting, bookkeeping or other procedures required for compliance:** These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** This rule was not included on either of the 2 most recent agendas because: The statutory changes that necessitate this rulemaking were not signed into law prior to the end of the required publication date for the Regulatory Agendas.

The full text of the Proposed Amendments begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 400
NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

Section

- 400.10 Purpose and Scope
400.11 Posting of Notices to Workers
400.12 Instructions to Workers
400.130 Notifications and Reports to Individuals
400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection
400.150 Consultation with Workers During Inspections
400.160 Requests for Workers for Inspections
400.170 Inspections Not Warranted; Informal Review

AUTHORITY: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29], and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].

SOURCE: Adopted at 10 Ill. Reg. 17496, effective September 25, 1986; amended at 11 Ill. Reg. 15629, effective September 11, 1987; amended at 13 Ill. Reg. 13581, effective August 11, 1989; amended at 16 Ill. Reg. 11531, effective July 7, 1992; amended at 18 Ill. Reg. 3132, effective February 22, 1994; amended at 23 Ill. Reg. _____, effective _____.

Section 400.10 Purpose and Scope

- a) This Part establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with Department of Nuclear Safety (Department) inspections of licensees or registrants to ascertain compliance with the provisions of the Radiation Protection Act of 1990 (~~441 Rev-Stat-1991, ch-111-172, pars-210-1 et seq.~~) [420 ILCS 40] (the Act) and regulations, orders and licenses issued thereunder regarding radiological working conditions.

- b) This Part shall apply to:

- 1) All persons who receive, possess, use, own or transfer sources of radiation registered with or licensed by the Department pursuant to 32 Ill. Adm. Code: Chapter II, Subchapter b and d.
- 2) Inspection and testing of radiation machines and associated operating procedures by the Department ~~Departmental inspectors or by qualified non-department inspectors whose names are included in the department's record of--~~ individuals--~~approved as--~~ qualified non-department--~~inspectors--of--~~ radiation--~~machines--~~ pursuant to 32

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311-Adm-Code-419.

- 3) Inspection of licensed activities by Departmental inspectors.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 400.110 Posting of Notices to Workers

- a) Each licensee or registrant shall post current copies of the following documents:

- 1) The provisions in this Part and in 32 Ill. Adm. Code 340;
- 2) The certificate of registration, the license, the license by conditions and any documents incorporated into the license by reference and amendments thereto;
- 3) The operating procedures applicable to activities under the license or registration; and
- 4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued pursuant to 32 Ill. Adm. Code 310 and any response from the licensee or registrant.

- b) If the posting of a document specified in subsections (a)(1), (2) or (3) of this Section above is not practicable, the licensee or registrant may post a notice which describes the documents and states where they may be examined.

- c) Department Form KIA-001 "Notice to Employees" shall be posted by each licensee or registrant.

- d) Department documents posted pursuant to subsection (a)(4) of this Section above shall be posted within working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, shall be posted within working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

- e) Documents, notices, or forms posted pursuant to this Section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous and shall be replaced if defaced or altered.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 400.120 Instructions to Workers

- a) All individuals working in, or the performance of whose duties requires access to any portion of a restricted area:

- 1) Shall be kept informed of the storage, transfer or use of sources of radiation in such portions of the restricted area;

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- 2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in the risks of radiation exposure to the embryo and fetus, in precautions or procedures to minimize exposure and in the purposes and functions of protective devices employed;
- 3) Shall be instructed in, and instructed to observe to the extent within the worker's control, the conditions of the licensee, the provisions of this Part, and 32 Ill. Adm. Code: Chapter II, Subchapters b and d for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;
- 4) Shall be instructed to report promptly to the licensee or registrant any condition which may constitute, lead to or cause a violation of the Act, the conditions of the licensee, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or unnecessary exposure to radiation or radioactive material;
- 5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
- 6) Shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to Section 400.130 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 400.130 Notifications and Reports to Individuals

- a) Notifications and reports provided to individuals in accordance with this Section shall include data and results obtained pursuant to this Part, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340.1160(a) and (d). Each notification and report shall:
 - 1) Be in writing;
 - 2) Include the name of the licensee or registrant, the name of the individual and the individual's social security number;
 - 3) Include the individual's dose information; and
 - 4) Contain the following statement:

"This report is furnished to you under the provisions of the Department of Nuclear Safety Regulations for Radiation Protection (32 Ill. Adm. Code 400). You should preserve this report for further reference."

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- b) Each licensee or registrant shall advise each worker annually of the worker's dose as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340.1160(a) and (d).
- c) At the request of a worker, each licensee or registrant shall furnish to the worker upon termination of employment a report of the worker's dose. Such report shall be furnished within 30 days from the time the request is made, or within 30 days of termination of employment or within 30 days after the individual's dose has been determined by the licensee or registrant, whichever is later. The report shall cover all periods of time in which the worker was required to be monitored pursuant to 32 Ill. Adm. Code 340.520 and shall include the dates and locations of work under the license or registration in which the worker participated.
- d) When a licensee or registrant is required pursuant to 32 Ill. Adm. Code 340.1220, 340.1230 or 340.1240 to report to the Department any dose received by an individual, the licensee or the registrant shall also provide the individual a report of the dose information included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department.
- e) At the request of a worker who is terminating employment with the licensee or registrant in work involving radiation dose during the current year, or of a worker who, while employed by another person, is terminating a work assignment involving radiation dose in the licensee's or registrant's facility during the current year, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction thereof, or provide a written estimate of that dose if the finally-determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such. If an estimate of dose is provided, the actual radiation dose records shall be provided to the worker when these records become available to the licensee or registrant.

AGENCY NOTE: The reporting requirements of subsections (b), (c) and (e) of this Section above apply only to workers who are required to be monitored pursuant to 32 Ill. Adm. Code 340.520.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection

- a) Pursuant to Section 400.160 of this Part and 32 Ill. Adm. Code 310.50, each licensee or registrant shall afford the Department at all reasonable times the opportunity to inspect such materials, machines, activities, facilities, premises and records as the Department

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determines are necessary to establish compliance with the requirements of the license and the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Reasonable times shall be any time the facility is operational. The inspection may be announced or unannounced. Material licensees shall be inspected at least as frequently as they would have been inspected by the U.S. Nuclear Regulatory Commission (NRC) if the licensees were regulated by the NRC, but no more frequently than once in a calendar quarter. Radiation machines shall be inspected in accordance with Section 25 the provisions of Sections 27-and-29 of the Act. Inspection of licensees and radiation machines may be conducted more frequently than once per calendar quarter if, in the past three years, there has been a condition at the facility which required emergency response; or if the Department has received a complaint, the investigation of which shall result in a more frequent inspection; or if the Department has documented a violation of the Act or the above referenced rules of the Department at the facility and additional inspections are necessary to establish that the violation has been abated.

b) During an inspection, Departmental and-qualified--nondepartment inspectors may consult privately with workers as specified in Section 400.150 of this Part. The licensee or registrant may accompany Departmental and-qualified--nondepartment inspectors during other phases of an inspection.

c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the licensee or registrant shall notify the Departmental or-qualified--nondepartment inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 400.120 of this Part.

e) Different representatives of licensees or registrants and workers may accompany the Departmental or-qualified--nondepartment inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany Departmental and-qualified nondepartment inspectors during the inspection of physical working conditions.

g) Notwithstanding the other provisions of this Section, Departmental inspectors and-qualified--nondepartment--inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas

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containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, i.e., trade secrets and commercial or financial information where such information is privileged or confidential or where disclosure of such information may cause competitive harm, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 400.150 Consultation with Workers During Inspections

a) Departmental and-qualified--nondepartment inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to the activities of the licensee or registrant which bear upon compliance with the conditions of the license or the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

b) During the course of an inspection, or at any other time, any worker may bring privately to the attention of the Department or its inspectors or-qualified--nondepartment--inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of Section 400.160(a) of this Part. If a worker seeks an opportunity to speak to an inspector during an inspection, the licensee or registrant shall permit the worker such opportunity.

*AGENCY NOTE: The provisions of subsection (b) of this Section above shall not be interpreted as authorization to disregard instructions pursuant to Section 400.120 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 400.170 Inspections Not Warranted; Informal Review

a) Review of Determination That No Inspection is Warranted

1) If the Office of Radiation Safety determines, pursuant to Section 400.160 of this Part, that an inspection is not warranted, the Office of Radiation Safety shall notify the complainant in writing within 60 days of receipt of the complaint. The complainant may obtain review of such determination by submitting

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a written statement of position with the Department. The Department shall will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Department. The Department shall will provide the complainant with a copy of such statement by certified mail.

2) Upon the request of the complainant or the licensee or registrant, the Department shall hold an informal conference in which the complainant and the licensee or registrant may orally present their views. If such a conference is requested by the complainant, the presence of the licensee or registrant at the conference shall be subject to the concurrence of the complainant. If the conference is requested by the licensee or registrant, the presence or disclosure of the identity of the complainant shall will be made only pursuant to written authorization from the complainant. After considering all written and oral views presented, the Department shall affirm, modify, or reverse the determination of the Office of Radiation Safety and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

b) If the Department determines that an inspection is not warranted because the requirements of Section 400.160(a) of this Part have not been met, the complainant shall be notified in writing, within 30 days of receipt of the complaint, of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 400.160(a) of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Radiation Inspectors and Inspections
- 2) Code Citation: 32 Ill. Adm. Code 410
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
410.10	Amendment
410.20	Amendment
410.30	Amendment
410.35	Amendment
410.40	Repeal
410.50	Repeal
410.60	Repeal
410.65	Repeal
410.70	Repeal
410.80	Repeal
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] (see P.A. 91-0340, effective July 29, 1999).
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to amend this Part to: (1) change the title of the Part; (2) delete references to the nondepartment qualified inspector program due to statutory changes; (3) establish standards and procedures to be applied by the Department to approve, register, and withdraw approval of diagnostic imaging specialists and/or therapeutic radiological physicists; and (4) repeal Sections of the rule relating to radiation inspectors and inspections that are either obsolete or being moved to other Parts.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments

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should be submitted to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities or not for profit corporations affected: The Department does not believe that these amendments will impact small municipalities or not for profit corporations. Not for profit hospitals employing diagnostic imaging specialists and/or therapeutic radiological physicists and small businesses operated by diagnostic imaging specialists and/or therapeutic radiological physicists will be impacted by these amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The statutory changes that necessitate this rulemaking were not signed into law prior to the end of the required publication date for the Regulatory Agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER B: RADIATION PROTECTION

PART 410
REGISTRATION REQUIREMENTS FOR DIAGNOSTIC IMAGING SPECIALISTS AND THERAPEUTIC
RADIOLOGICAL PHYSICISTS RADIATION-INSPECTION-AND-INSPECTIONS

Section	Policy and Scope
410.10	Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
410.20	Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists
410.30	Approval of Application and Application/Registration Fees
410.35	Suspension and Revocation of Registration as an Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist
410.40	Nondepartment-qualified-inspector
410.40	Radiation Installations and Classifications (Repealed)
410.50	Inspection Procedures (Repealed)
410.60	Choice of Type of Inspector and Inspection Schedule (Repealed)
410.65	Inspection Fees (Repealed)
410.70	Separate Installation (Repealed)
410.80	Change in Operator (Repealed)
ILLUSTRATION A	New Facility Filing Anniversary Date (Class C Facility Used As An Example) (Repealed)
ILLUSTRATION B	Existing Facility Filing Anniversary Date (Class B Facility Used As An Example) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] (see P.A. 91-340, effective July 29, 1995).

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984; amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990; amended at 17 Ill. Reg. 17953, effective October 4, 1993; amended at 20 Ill. Reg. 9570, effective July 5, 1996; amended at 23 Ill. Reg. 332, effective December 18, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 410.10 Policy and Scope

at This Act implements the provisions of the Radiation Protection Act of 1990 (the Act) (420 ILCS 40) regarding approval and registration of individuals responsible for implementing a comprehensive radiation protection program for Class D facilities as defined in 32 Ill. Adm. Code 320. the inspection of radiation machines by nondepartment-qualified inspectors. Specifically this Part: 1) Establishes procedures for inspections of radiation machines; 2) Establishes the standards and procedures that the Department will

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apply for approving individuals as diagnostic imaging specialists and/or therapeutic radiological physicists nondepartment-qualified inspectors of radiation machines, and

- b3) Establishes standards and procedures to be applied by the Department when withdrawing its approval of a diagnostic imaging specialist and/or therapeutic radiological physicist. nondepartment-qualified inspector-and

4) Establishes--the--Department's--procedures--for--reviewing--the inspection--procedures--followed--by--nondepartment--qualified inspectors--and--the inspection reports prepared by nondepartment qualified inspectors.

- b) This Part shall apply to any person who operates a radiation installation in Illinois. This Part shall also apply to any person other than a Departmental inspector who performs inspections or tests of radiation machines required by Section 25 of the Radiation Protection Act of 1990.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 410.20 Education/Experience Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists Radiation Inspectors Education/Experience and Instrumentation Requirements

- a) Diagnostic imaging specialists and therapeutic radiological physicists responsible for implementing comprehensive radiation protection programs shall be inspections and testing of radiation machines shall be conducted by designated Department personnel or by nondepartment qualified inspectors that are approved by the Department in accordance with Section 410.30 of this Part.

- b) Diagnostic Imaging Specialist. Individuals seeking approval as a diagnostic imaging specialist must possess the knowledge, training and experience to apply principles of radiological physics to diagnostic x-ray applications. Individuals seeking such approval shall meet in addition to satisfying the other requirements for approval set forth in this Part, an individual seeking approval as a nondepartment qualified inspector shall meet the education, certification and experience in clinical practice requirements indicated in any one of the criteria set forth in this subsection (b).

Education and/or Certification	Experience
-----------------------------------	------------

- | | |
|--|---|
| 1) Certification by the American Board of Radiology, American Board of Medical Physics or Canadian | and experience included in certification. |
|--|---|

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College of Medical Physics, in radiological physics or logical physics or therapeutic radiological physics

- | | |
|---|---|
| 2) Certification by the Health Physics, by the College, or one of the Boards listed in subsection (b)(1) of this Section, in Therapeutic radiological physics | and 6 months of x-ray survey experience in diagnostic x-ray, which shall include quality assurance and survey experience. |
|---|---|

- | | |
|--|---|
| 3) Doctorate (Ph.D.) or Master's (MS/MA) degree in health physics, medical radiological physics or physics | and 1 year of applied x-ray radiation protection experience of which 6 months shall include x-ray survey quality assurance and survey experience in diagnostic x-ray. |
|--|---|

- | | |
|---|--|
| 4) Bachelor's (BS/BA) degree in health physics, medical radiological physics or physics | and 2 years of applied x-ray radiation protection experience of which 6 months shall include x-ray survey quality assurance and survey experience in diagnostic x-ray. |
|---|--|

- | | |
|---|--|
| 5) Master's (MS/MA) or Bachelor's (BS/BA) degree in physical or life science, mathematics, or other equivalent degree as determined by the Department | and 3 years of applied x-ray radiation protection experience of which 1 year must be x-ray survey shall include quality assurance and survey experience in diagnostic x-ray. |
|---|--|

AGENCY NOTE: A degree that is not readily identifiable as meeting the requirements of this Part may be referred to the State Board of Higher Education for a determination of the degree classification.

- c) Therapeutic Radiological Physicist. Individuals seeking approval as a Therapeutic Radiological Physicist must possess the knowledge, training and experience to measure ionizing radiation, evaluate safety

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Techniques, advise regarding radiation protection needs and apply the principles of radiological physics to clinical radiation therapy. To meet these criteria, a therapeutic radiological physicist shall meet either of the criteria set forth in this subsection (c).

- | <u>Education and/or Certification</u> | <u>Experience</u> |
|---|---|
| 1) Certification by the American Board of Radiology, the American Board of Medical Physics or Canadian College of Medical Physics, in therapeutic radiological physics, roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics | and experience included in certification. |
| 2) Doctorate (Ph.D.) or Master's (MS/MA) degree in physics, biophysics, radiological physics or health physics | and 1 year of full-time training in radiological physics and also 1 year of full-time work experience under the supervision of a therapeutic radiological physicist at a medical institution. |

- d) To meet the work experience requirements of subsection (c)(2) of this Section, the individual shall have performed the tasks specified in 32 Ill. Adm. Code 360.120(c), (d) and (e) under the supervision of an individual meeting the requirements of subsection (c) of this Section during the year of work experience.
- e) An individual previously holding a designation as a diagnostic imaging specialist and/or a therapeutic radiological physicist, and previously approved by the Department as a nondepartment qualified inspector, shall remain approved as a diagnostic imaging specialist and/or therapeutic radiological physicist, unless approval is removed for cause pursuant to this Part.
- f) Upon initial application to the Department and as a condition for approval as a qualified inspector, an applicant shall submit verification of access to instruments which will enable the individual to perform inspections and tests in accordance with Department standards.
- g) The Department may limit the fields of inspection and testing services

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offered by an approved nondepartment-qualified inspector, based upon the experience information submitted in the application. These fields shall include, but not be limited to, industrial, medical, and therapeutic uses of x-rays.

e) Individuals approved by the Department as nondepartment-qualified inspectors will continue to remain approved as nondepartment-qualified inspectors unless approval is removed for cause pursuant to Section 410-95 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 410.30 Approval of Application and Application/Registration Fees

- a) An applicant for approval by the Department as a diagnostic imaging specialist and/or therapeutic radiological physicist nondepartment qualified inspector shall submit a complete and legible application on a form prescribed and furnished by the Department. Each applicant shall pay an application fee of \$200 which will serve as a registration fee for the remainder of the calendar year. The application fee is non-refundable.
- b) Upon initial application to the Department, and as a condition for approval as a diagnostic imaging specialist and/or a therapeutic radiological physicist, an applicant shall submit verification of access to instruments which will enable the individual to perform measurements and tests in accordance with Department standards.
- c) The Department shall provide written notification to the applicant concerning the status of the application within 4 weeks after receipt of the application and required fee. If approval is granted, the applicant shall receive a "Notice of Approval" and the individual's name and address shall be entered in the record of persons approved as diagnostic imaging specialists and/or as therapeutic radiological physicists nondepartment-qualified inspectors of radiation machines.
- d) Individuals approved by the Department as diagnostic imaging specialists and/or as therapeutic radiological physicists shall continue to remain approved unless approval is removed for cause pursuant to this Part.
- e) All approved diagnostic imaging specialists and/or therapeutic radiological physicists nondepartment-qualified inspectors shall pay an annual non-refundable registration fee of \$200. The fee shall be due and payable within 60 days after the date of billing. Payment by January 1 of each year is the registration fee. It is non-refundable. Failure of the inspector to remit the appropriate registration fee after 60 days shall by January 15 cause the Department to remove the individual's name from the record specified in subsection (c) of this Section. If an individual's name is removed from this record of nondepartment-qualified inspectors, the Department shall will not accept radiation machine evaluations or the establishment and

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oversight of equipment-related quality assurance practices performed ~~inspection-reports-completed~~ on or after the date the individual's ~~inspector's~~ name was removed from--the--record. ~~Radiation-machine inspection-reports-prepared-and-submitted-after-an-individual-has-been reinstated-to-the-record-will-be-accepted-by-the-Department.~~

- Ed) If an individual's name has been removed from the record of approved diagnostic imaging specialists and/or therapeutic radiological physicist ~~nondepartment-qualified~~-inspector due solely to nonpayment of the fee prescribed in this Section, that individual's name shall be reinstated automatically to the record of ~~nondepartment-qualified~~-inspector upon payment of and receipt by the Department of the prescribed fee.

- g) If the registration of a diagnostic imaging specialist or therapeutic radiological physicist has been revoked pursuant to Section 410.35 of this Part, the Department shall consider the petition for reinstatement and the reasons for revocation before approving a new application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 410.35 Suspension and Revocation of Registration as a Approved Diagnostic Imaging Specialist or a Therapeutic Radiological Physicist Nondepartment-Qualified-Inspector

- a) The Department may act to ~~shall~~ suspend or revoke the registration-of an individual's registration ~~individual~~ as an approved diagnostic imaging specialist and/or therapeutic radiological physicist ~~a nondepartment-qualified-inspector~~ and remove the individual's name from the record of approval nondepartment-qualified-inspectors for any one or a combination of the following causes:

- 1) Making knowingly---causing a material misrepresentation to be made in the application for approval as a diagnostic imaging specialist and/or a therapeutic radiological physicist nondepartment-qualified-inspector if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for approval under this Part;

- 2) Evading or violating a statute or Department regulation or order ~~willfully evading--the--Department's--regulations~~, or ~~willfully~~ aiding another person in evading or violating a statute, regulation or order ~~such-regulations~~;

- 3) Exhibiting significant or repeated incompetence in the performance of evaluations inspections of radiation machines or the establishment and oversight of equipment-related quality assurance practices;

- 4) Providing knowingly-submitting to the Department, or to a Class D registrant, --an-inspection-report-that--contains false or

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misleading information in any of the records required by 32 Ill. Adm. Code 320.70; or

- 5) Providing ~~Submitting~~ to the Department, or to a Class D registrant, under his/her diagnostic imaging specialist and/or therapeutic radiological physicist ~~inspector~~ identification number or signature, a radiation machine evaluation report ~~for-an-inspection~~ that he or she did not personally perform;
- 6) Failing to pay a civil penalty assessed by the Department;
- 7) Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS 2005/71i; or
- 8) Failing to meet child support orders as provided in 5 ILCS 100/10-65.

- b) The Department may ~~shall~~ revoke the registration of an individual as a ~~an~~-approved diagnostic imaging specialist and/or therapeutic radiological physicist ~~a nondepartment-qualified-inspector~~ for repetitive activities initially resulting in suspension.

- c) If, based upon any of the above grounds, the Department determines that action is necessary to suspend or revoke the registration of an approved diagnostic imaging specialist and/or therapeutic radiological physicist ~~a nondepartment-qualified-inspector~~ and to remove the individual's name from the record of approved individuals ~~nondepartment-qualified-inspectors~~, the Department shall first notify the individual of the reason for its action and the proposed length of a suspension or revocation and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.240-66. An opportunity for a hearing shall be provided before the Department takes final action to suspend or revoke an individual's registration.

- d) An individual whose registration has been suspended shall be reinstated upon completion of the duration of the suspension period.

- ed) An individual whose registration has been revoked for reasons other than non-payment of fees shall have his/her name removed from the record. Such individual ~~of nondepartment-qualified-inspectors~~ may seek reinstatement to the record by filing a petition for reinstatement and a new application with the Department. The Such petition and application for reinstatement may only be accepted for consideration by the Department after the specified revocation period has ended ~~1-year-or-more-after-the-individual's-name-has-been-removed from-the-record-of nondepartment-qualified-inspectors~~. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200.240-66. If such reinstatement petition and application are denied.

- E) Any of the causes for suspension or revocation specified in subsections (a)(1) through (5) of this Section may also be used as the grounds for the assessment of civil penalties pursuant to Section 36 of the Radiation Protection Act of 1990.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 410.40 Radiation Installations and Classifications (Repealed)

Radiation installations shall be classified based on the type of radiation machines located within the installation as follows:

- a) *Glass A* shall include all radiation machines located in dental offices and clinics and used solely for dental diagnosis or located in veterinary offices and used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines. (420 ILCS 40/25(f))
- b) *Glass B* shall include all radiation machines, other than machines used for performing mammography, located in offices or clinics of persons licensed under the Medical Practice Act of 1907 (225 ILCS 60/1) or under the Podiatric Medical Practice Act of 1907 (225 ILCS 180/1) and used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, noncommercially manufactured portable radiographic/fluoroscopic units, non-cabinet baggage/package radiographic radiation machines and electronic beam welders. (420 ILCS 40/25(f))
- c) *Glass C* shall include all radiation machines which are not classified as *Glass A* or *Glass B*. *Glass C* shall include but not be limited to radiation machines located in hospitals and educational institutions, all radiation machines used for performing mammography procedures, therapy and all installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges, test booths, bays or rooms used by manufacturing assembly or repair facilities for testing radiation machines. (420 ILCS 40/25(f))

Radiation installations utilizing radiation machines that are in different classes (see subsections (a), (b) and (c) of this Section) will be assigned a classification based upon the machine(s) requiring the most frequent inspecting and testing. (See Section 410.60(d) of this Part.)

(Source: Repealed at 23 Ill. Reg. _____, effective _____.)

Section 410.50 Inspection Procedures (Repealed)

- a) Nondepartment-qualified inspector shall:
 - 1) Establish whether radiation machines are being maintained and operated in accordance with standards established by the Department to protect the public health as set forth in 32 Ill. Adm. Code 3187-3207-3407-3507-3607-3807-3907-4007-401 and 405, and
 - 2) Consult with the operator to ascertain the identity of individuals who use the equipment to administer ionizing

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radiation to human beings (see 32 Ill. Adm. Code 360-30(a)(4) and 360-30(f)) and to verify that those named individuals are licensed in accordance with State law are accredited by the Department or are exempt from such requirements in accordance with 32 Ill. Adm. Code 401-30.

- b) The nondepartment-qualified inspector shall provide timely, accurate and thorough inspection reports and certify all survey findings on appropriate Department radiation machine inspection forms.
- c) The nondepartment-qualified inspector shall perform radiation measurements with instruments which are sufficiently sensitive to determine compliance with the standards established by the Department under this section. These instruments shall be calibrated with devices which have no more than a three-step tertiary calibration traceable to the National Institute of Standards and Technology.
- d) The nondepartment-qualified inspector shall certify on each radiation inspection report that he/she prepares for submission to the Department that he/she personally performed the inspection and that the inspection was performed in accordance with the standards established by the Department.
- e) The nondepartment-qualified inspector shall certify on appropriate Department radiation machine inspection forms for each inspection that his/her instruments have been properly calibrated at intervals not to exceed 12 months prior to each inspection.
- f) The nondepartment-qualified inspector shall maintain for a period of at least one inspection cycle (see Section 410.60(d) of this Part) a copy of all inspection data gathered during inspections of radiation machines conducted in accordance with subsection (a) of this Section.
- g) Each operator of a radiation installation shall, within 30 days of completion of the inspection and testing of each radiation machine, by a nondepartment-qualified inspector, forward a clearly legible copy of the inspection report to the Department.
- h) In the event the Department has reason to question the accuracy or thoroughness of a radiation machine inspection report due to the submission of incomplete or contradictory information or if the Department is not able to verify compliance with the Department's standards for operating such equipment in accordance with 32 Ill. Adm. Code 3107-3207-3507-3607-3807-3907-4007-401 and 405, the report will be returned to the operator for compulsory correction or for reinspection as appropriate. Forms returned to the operator for corrections or completion or for reinspection must be returned to the Department within 30 days of receipt.
- i) Within 30 days of receipt of a completed radiation machine inspection report, the Department will provide results to the operator regarding the inspection survey.
- j) Reviews of nondepartment-qualified inspectors' survey findings and inspection procedures will be conducted by the Department. Items and procedures considered as part of such reviews shall include, but need not be limited to, one or more of the following:

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- 1) The type of instruments used by the inspector;
- 2) The procedures for the use of these instruments to determine compliance with Department standards;
- 3) The thoroughness and accuracy of investigation reports;
- 4) Use of other documents and investigative procedures to assure compliance with Department standards listed in subsection (a) of this Section;
- 5) Reinspection and testing by the Department of the radiation machines, records, and associated operation procedures of a radiation installation that were inspected by a nondepartment qualified inspector; and
- 6) Visual observation of the nondepartment qualified inspector during the performance of an inspection.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 410.60 Choice of Type of Inspector and Inspection Schedule (Repealed)

- a) Operators of radiation installations shall assure that the installations, including all radiation machines located therein, are registered with the Department in accordance with the provisions of 32 Ill. Adm. Code 328 and are inspected and tested in accordance with the requirements of this Part;
- b) Operators of radiation installations may elect to have their radiation machines and associated operating procedures inspected and tested by either a Departmental inspector or by a nondepartment qualified inspector whose name is included in the Department's record of persons approved as nondepartment qualified inspectors of radiation machines. However, as nondepartment qualified inspectors of radiation machines, the Department pursuant to 32 Ill. Adm. Code 330;
- c) Operators of radiation installations shall assure that all radiation machines located in that installation are maintained and operated in accordance with standards established by the Department to protect the public health and safety as set forth in 32 Ill. Adm. Code 330-328, 340-350, 360-370, 380-390, 400-401 and 405. Operators shall also assure that all persons who use a radiation machine to administer ionizing radiation to human beings are licensed in accordance with the requirements of 32 Ill. Adm. Code 360-10 or are accredited by the Department or exempt from such requirements in accordance with 32 Ill. Adm. Code 401-30;
- d) Inspection Report Filing Anniversary Date
 - 1) Each radiation machine shall be inspected and tested within 6 months after the date of initial installation; when inspection and testing end date will establish the operator's filing anniversary date for filing subsequent radiation machine inspection reports. All future inspection and testing of the operator's radiation machine(s) must be performed and the

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- radiation inspection report filed either on the filing anniversary date or within the 5 month period immediately preceding the operator's filing anniversary date. Submission of inspection reports within the 5 month period immediately preceding the operator's filing anniversary date will not change the filing anniversary date for subsequent inspection reports;
- 2) if any radiation machine is installed, relocated, fired, stationary equipment that has been moved, or reactivated within 7 months prior to the operator's inspection report filing anniversary date and if the machine is inspected during the 7 month period the radiation machine(s) does not have to be reinspected within the 5 month period prescribed in subsection (d)(1) of this Section;
- 3) if any radiation machine(s) totally replaces the operator's radiation machine inventory, the operator's inspection report filing anniversary date will be changed to the end date of the inspection and testing of the radiation machine(s);
- e) Radiation installations shall be inspected on the following schedule:
 - 1) Class-A installations shall be inspected at intervals not exceeding 5 years;
 - 2) Class-B installations shall be inspected at intervals not exceeding 2 years;
 - 3) Class-C installations shall be inspected at intervals not exceeding 1 year;
- f) Operators of radiation installations shall notify the Department within 30 days after the installation of new, used, relocated, or reactivated radiation machines; inspection and testing of the radiation machine(s) shall be performed in accordance with subsection (d) of this Section and radiation inspection report(s) filed with the Department within 6 months after the date of installation/activation of the system(s); the selection of Departmental or nondepartment qualified inspector which was made pursuant to subsection (b) of this Section shall also apply to inspections of equipment required by this subsection (f); unless the Department is notified that a change is requested, this Section applies to the relocation or reactivation of a radiation machine(s) that previously had been stored or rendered mechanically or electrically inoperable by the operator;

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 410.65 Inspection Fees (Repealed)

- a) The annualized fee for inspection and testing shall be based on the rate of \$55 per radiation machine for machines located in dental offices and clinics and used solely for dental diagnosis, located in veterinary offices and used solely for diagnosis, or located in offices and clinics of persons licensed under the Podiatric Medical

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- Practice Act of 1987 and shall be based on the rate of \$90--per radiation--machine--for--all--other--radiation--machines. (420--IBES 40/25(a))*
- b) *if the operator elects to have a nondepartment-qualified inspector inspect--and--test--the radiation equipment the annualized inspection review fee shall be based on the rate of \$25--per--radiation--machine. This inspection review fee shall not apply to inspections of radiation machines used for mammography. (420--IBES 40/25(b))*
- c) *The Department shall bill the operator as soon as practical after January 1 for the appropriate fee:*
- 1) fees assessed under this Section shall be due within 60 days--of--billing. (420--IBES 40/25(a))*
 - 2) if the fee is not paid within 60 days of the initial billing, the Department may order the operator of the installation to cease use of the machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Act. (420--IBES 40/25(a))*

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 410.70 Separate Installation (Repealed)

Radiation installations shall be defined as any location or facility where radiation machines are used--for--purposes of registration and inspection frequency--the Department shall interpret radiation installation as follows:

- a) A facility where one or more radiation machines which are utilized by a--given--class as defined in Section 410-48 of this Part are operated by the same person and are located either in a single building or in a group of buildings which are contiguous to one another will be treated as a single radiation installation except as provided in subsection (b) of this Section.
- b) If the Department is treating radiation machines which are located in different buildings as being part of a single radiation installation in accordance with subsection (a) of this Section and the operator seeks to have the facilities treated as separate installations, the Department will consider the facilities as separate radiation installations upon receipt of a written request of the operator.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 410.80 Change in Operator (Repealed)

Within 30 days after changing the operator of a radiation installation, the new operator must notify the Department in writing or by telephone or other electronic means.

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(Source: Repealed at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Registration of Radioactive Material, Radiation Machines, and Radiation Installations
- 2) Code Citation: 32 Ill. Adm. Code 320
- 3) Section Number:
 320.10 Proposed Action:
 Amendment
 320.15 Repeal
 320.20 Amendment
 320.30 Repeal
 320.40 Amendment
 320.50 Repeal
 320.60 New Section
 320.70 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 (420 ILCS 40/24.7, 25 and 25.1) (see P.A. 91-0340, effective July 29, 1999).
- 5) A. Complete Description of the Subjects and Issues Involved: The Department is proposing to amend this Part to: (1) change the statutory authority from the provisions of the Radiation Installation Act (420 ILCS 30) (being repealed by P.A. 91-0340) to the authority under Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 (420 ILCS 40/24.7, 25 and 25.1); (2) change the title of the Part; (3) modify the radiation installation classifications due to statutory change; (4) create a revenue neutral consolidated annual registration fee to cover the cost to register and inspect radiation machines to replace the previous registration and inspection fees due to statutory change; and (5) establish procedures regarding the implementation of a comprehensive radiation protection program to be followed by operators of newly created Class D radiation installations.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this

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Proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Robert B. Holtsclaw
 Staff Attorney
 Department of Nuclear Safety
 1035 Outer Park Drive
 Springfield, Illinois 62704
 (217) 524-1003 (voice)
 (217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that these amendments will impact small municipalities. These amendments will have an impact on not for profit hospitals and small business, such as small medical practices or industrial x-ray businesses, that possess radiation machines.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires operators of radiation installations to register such facilities with the Department and also requires operators to register each radiation machine with the Department.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The statutory changes that necessitate this rulemaking were not signed into law prior to the end of the required publication date for the Regulatory Agendas.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 320

REGISTRATION AND OPERATOR REQUIREMENTS FOR ~~OP~~
RADIOACTIVE MATERIALS, RADIATION MACHINES, AND RADIATION INSTALLATIONS

Section

- 320.10 Registration
320.15 Incorporations by Reference (Repealed)
320.20 Amendments and Changes in Status
320.30 Discontinued Use (Repealed)
320.40 Exemptions
320.50 Noncompliance (Repealed)
320.60 Requirements for All Operators of Radiation Installations
320.60 Additional Requirements for Operators of Class D Radiation Installations

AUTHORITY: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 (420 ILCS 40/24.7, 25 and 25.1) (see P.A. 91-0340, effective July 29, 1999).

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 10 Ill. Reg. 17529, effective September 25, 1986; amended at 14 Ill. Reg. 13644, effective August 13, 1990; amended at 18 Ill. Reg. 3363, effective February 22, 1994; amended at 20 Ill. Reg. 6912, effective May 1, 1996; amended at 23 Ill. Reg. _____, effective _____.

Section 320.10 Registration

- a) For purposes of registration pursuant to this Part, the phrase "radiation installation" shall mean any location or facility where radiation machines are located.

b) Installation Registration

1) Any operator of a radiation installation facility where radiation machines are used or where radioactive material is produced, transported, stored, used or disposed of for any purpose, which is not subject to regulation by the U.S. Nuclear Regulatory Commission (NRC), shall register such radiation installation with the Department of Nuclear Safety (Department). The operator shall register the installation before the installation is placed in operation on a form prescribed by the Department which shall include:

- A) The operator's name;
B) The location and confines of the radiation installation; and

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- C) The type, manufacturer, model, serial strength and number and room location of sources of radiation machines possessed expected to be produced, used, operated, stored or disposed.
- 2) Radiation machines that are located in a single building or in a group of buildings which are contiguous to one another, and used by the same operator, shall be treated as a single radiation installation unless requested otherwise in writing by the operator and approved by the Department. When the number of sources exceeds 50, the Director will, upon request of the operator, permit blanket registration of the installation. This blanket registration shall be on a form prescribed by the Department and shall include:
- A) The operator's name;
B) The location and confines of the radiation installation;
C) A description of each type and range of strengths of each type of source of radiation;
D) The number of each type of source;
E) The radionuclide in each type of source; and
F) The specific information requested on form IS-493-0013 regarding registration of x-ray machines.

c) Installation Classifications

- Radiation installations shall be divided into the following 4 classes:
- 1) Class A - Class A shall include dental offices and veterinary offices with radiation machines used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines. [420 ILCS 40/25(f)] Class A installations shall be inspected at intervals not exceeding 5 years.
- 2) Class B - Class B shall include offices or clinics of persons licensed under the Medical Practice Act of 1987 or the Podiatric Medical Practice Act of 1987 with radiation machines used solely for diagnosis and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, non-cabinet baggage/package fluoroscopic radiation machines and electronic beam welders. [420 ILCS 40/25(f)] Class B installations shall be inspected at intervals not exceeding 2 years.
- 3) Class C - Class C shall include installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges. Test booths, bays, or rooms used by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class C radiation installations. [420 ILCS 40/25(f)] Class C installations shall be inspected at intervals not exceeding 1 year.
- 4) Class D - Class D shall include all hospitals and other facilities using mammography, computed tomography (CT), or

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Class C - Installations using diffraction, open or closed radiography machines, x-ray gauges, and installations with test booths, bays or rooms used by manufacturing, assembly or repair facilities for testing radiation machines. § 90

Class D - All hospitals and other facilities using mammography, computed tomography (CT), or therapeutic radiation machines. § 35

- 3) Radiation installations for which more than one class is applicable shall be assigned the classification requiring the most frequent inspection [420 ILCS 40/25(f)] and resultant fee.
- 4) Radiation installation not specified as Class A, B, C or D shall be assigned an inspection interval, classification and resultant fee by the Department, based on the radiation machines' use and associated radiation hazard.
- 5) The Department shall bill the operator for the registration fee as soon as practical after January 1. The registration fee shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid, the Department may issue an order directing the operator of the installation to cease use of all radiation machines or take other appropriate enforcement action as provided in Section 36 of the Act. Fees collected under this Section are not refundable. [420 ILCS 40/24.7]

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 320.15 Incorporations by Reference (Repealed)

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1935 Guter Park Drive, Springfield, Illinois. Copies of the standards established by the National Council on Radiation Protection and Measurements (NCRP) can be obtained directly from NCRP, Publication 7-7918, Woodmont Avenue, Suite 800, Bethesda, MD 20814.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

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therapeutic radiation machines. [420 ILCS 40/25(f)] Class D installations shall be inspected at intervals not exceeding 1 year.

d) Machine Registration

- 1) Every operator of a radiation installation where radiation machines are located shall register radiation such machines annually on a form prescribed by with the Department.
- 2) Installation operators shall register radiation machines annually on a form prescribed by the Department. An annual registration fee of \$10.00 per radiation machine for each machine possessed on January 1 of each year shall be submitted with the registration form. This fee, based on the type of facility and radiation machines possessed, is listed in this subsection (d)(2) as follows: ~~the Department shall bill the operator for the registration fee as soon as practical after January 1. Registration fees shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid the Department may issue an order directing the operator of the installation to cease use of the radiation machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Radiation Protection Act of 1990 [420 ILCS 40/36] or [420 ILCS 30/2.1]~~

Facility Type Fee Per Radiation Machine

Class A - Dental and veterinary offices. § 21

Class A - Installations only using commercially manufactured cabinet radiation machines. § 26

Class B - Offices or clinics of persons licensed under the Medical Practice Act, and all installations using portable radiographic/fluoroscopic units. § 50

Class B - Podiatric offices. § 37.50

Class B - All installations using spectroscopy, non-commercially manufactured cabinet units, non-cabinet baggage/package units, and/or electron beam welders. § 50

DEPARTMENT OF NUCLEAR SAFETY
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NOTICE OF PROPOSED AMENDMENTSection 320.70 Additional Requirements for Operators of Class D Radiation Installations

Each operator of a Class D radiation installation shall:

- a) Utilize the services of an individual, registered with the Department pursuant to 32 Ill. Adm. Code 410, to implement and maintain a comprehensive radiation protection program. Activities related to diagnostic radiation producing machines shall be performed by a registered diagnostic imaging specialist. Activities related to therapeutic radiation machines shall be performed by a registered therapeutic radiological physicist. Each operator shall ensure that the registered individual(s):
 - 1) Conducts an annual performance evaluation of all radiation machines.
 - 2) Determines and documents in a report to the facility that the radiation machines evaluated are being maintained and operated in accordance with standards established by the Department to protect the public health as set forth in 32 Ill. Adm. Code: Chapter IX, Subchapters b and d. Noncompliance items shall be readily identified in the report.
 - 3) Establishes and oversees the equipment-related quality assurance practices. Specifically, these quality assurance practices shall include as a minimum:
 - A) For therapeutic radiation machines, compliance with the quality assurance requirements specified in 32 Ill. Adm. Code 360.110(d) or 360.120(e).
 - B) For computed tomography machines, compliance with the quality assurance requirements specified in 32 Ill. Adm. Code 360.75.
 - C) For mammography machines, compliance with the quality assurance requirements specified in 32 Ill. Adm. Code 370.100.
 - D) For film processors, a performance evaluation each day before the processing of clinical images. The evaluation shall include measurement of temperature and densitometer measurements of sensitometer-exposed film that has been processed in the film processor. The evaluation shall also include the acceptable tolerance for each parameter measured and actions to be taken if tolerances are exceeded.
 - b) Maintain and have available for review by the Department:
 - 1) Accurate and thorough radiation machine evaluation reports.
 - 2) Records of quality assurance testing performed.
 - 3) Records of calibrations, maintenance or repair.
 - c) The records and reports required by this Section shall be maintained for a period of at least 1 inspection cycle.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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Proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 60 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 60 day comment period. Comments should be submitted to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department does not believe that these amendments will impact small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendment begins on the next page.

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1) Heading of the Part: Use of x-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine

2) Code Citation: 32 Ill. Adm. Code 360

3) Section Number:

360.20 Proposed Action:
Amendment

360.30 Amendment

360.41 Amendment

360.50 Amendment

360.60 Amendment

360.71 Repeal

360.75 Amendment

Appendix B Repeal

Appendix C Repeal

Illustration A Repeal

Table A Repeal

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 40).

5) A Complete Description of the Subjects and Issues Involved: With the adoption of the new mammography rules in Parts 401 and 370, and proposed changes to Part 410, some of the definitions in Section 360.20 are no longer required or are in need of clarification. Section 360.50 is being modified to clarify the Department's intent regarding operator restrictions in the use of fluoroscopic radiation machines. Sections 360.30, 41, 60 and 75 are being amended to clarify diagnostic x-ray system requirements and to delete language that has been incorporated into other Department rules. Section 360.71, Appendix B and C, Illustration A and Table A of this Part are obsolete due to the adoption of 32 Ill. Adm. Code 370 and are therefore being repealed by the Department.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this

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TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

SUBCHAPTER b: RADIATION PROTECTION

PART 360

USE OF X-RAYS IN THE HEALING ARTS INCLUDING MEDICAL, DENTAL,
PODIATRY, AND VETERINARY MEDICINE

Section	Scope
360.10	Definitions
360.20	General Requirements and Administrative Controls
360.30	General Equipment and Operation Requirements for Diagnostic X-Ray Systems
360.40	Additional Requirements for Use of Diagnostic X-Ray Systems in the Healing Arts of Medicine, Podiatry and Chiropractic
360.41	Fluoroscopic Systems
360.50	Radiographic Systems Other Than Fluoroscopic, Dental, Veterinary or Computed Tomography Systems
360.60	Mobile/Portable Radiographic Systems Other Than Systems Used Solely for Mammography (Repealed)
360.70	Additional Requirements for Facilities Performing Mammography (Repealed)
360.71	Computed Tomography (CT) Systems
360.75	Photofluorographic Systems (Repealed)
360.80	Dental Radiographic Systems
360.90	Veterinary Radiographic Systems
360.100	Therapy Systems Operating at 1 MeV or Greater
360.110	Therapy Systems Operating at 1 MeV or Greater
360.120	Medical Radiographic Entrance Exposure Measurement Protocol (Repealed)
APPENDIX A	Mammography Dose Measurement Protocol (Repealed)
APPENDIX B	Mammography Phantom Image Evaluation (Repealed)
APPENDIX C	Computed Tomography Dose Measurement Protocol
APPENDIX D	Minimum Quality Control Program for Medical Accelerators
APPENDIX E	Thimble and Pancake Chamber-Radiation Measuring Devices (Repealed)
ILLUSTRATION A	Mammography Dose Evaluation Graph (Repealed)
ILLUSTRATION B	Mammography Dose Evaluation Table (Repealed)
TABLE A	Half-Value Layer as a Function of Tube Potential
TABLE B	Entrance Exposure Limits Per Intraoral Bitewing Film (Repealed)
TABLE C	Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; old rules repealed, new rules adopted at 4 Ill. Reg. 25, P. 157, effective July 1, 1980; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 16406; amended at 10 Ill. Reg. 13271,

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effective July 28, 1986; amended at 13 Ill. Reg. 803, effective April 1, 1989; amended at 15 Ill. Reg. 6180, effective April 16, 1991; amended at 17 Ill. Reg. 17972, effective October 15, 1993; amended at 18 Ill. Reg. 11524, effective July 11, 1994; emergency amendment adopted at 19 Ill. Reg. 273, effective December 30, 1994, for a maximum of 150 days; emergency expired May 30, 1995; amended at 19 Ill. Reg. 8284, effective June 12, 1995; amended at 22 Ill. Reg. 5904, effective March 13, 1998; amended at 23 Ill. Reg. , effective

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 360.20 Definitions

As used in this Part, the following definitions apply:

"Accelerator" (also "particle accelerator") means any therapeutic machine capable of producing a useful beam of x-rays or charged particles with energies of 1 MeV or greater. Accelerators include cyclotrons, betatrons and linear accelerators.

"Accelerator facility" means the location at which one or more particle accelerators are installed and are operated under the same administrative control.

"Aluminum equivalent" means the thickness of type 1100 aluminum alloy affording the same attenuation, under specified conditions, as the material in question. The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper.

"Aplicator" means a structure which determines the extent of the treatment field at a given distance from the source of the beam.

"Attenuation block" means a block or stack, having dimensions 20 centimeters by 20 centimeters by 3.8 centimeters, of aluminum equivalent. Copper may be substituted for aluminum if an appropriate thickness is used for the kVp selected, as indicated below:

kVp	Millimeters of Copper Equivalent to 3.8 centimeters of aluminum
99 or less	2.0
100 to 125	2.5
greater than 125	3.0

"Automatic exposure control" means a device which automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation (see

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"Phototimer".

"Barrier" (see "Protective barrier").

"Beam" means a flow of electromagnetic or particulate radiation which passes through the opening in the beam limiting device and which is used for diagnosis or treatment.

"Beam axis" (see "Central axis of the beam").

"Beam-limiting device" means a device which provides a means to restrict the dimensions of the x-ray field (see "Collimator", "Diaphragm" and "Shutter").

"Beam monitoring system" means a system of devices that will monitor the useful beam during irradiation and will terminate irradiation when a preselected number of monitor units has been accumulated.

"Beam scattering filter" means a filter placed in an electron beam in order to scatter the beam and provide a more uniform distribution of electrons in the beam.

"Central axis of the beam" means the line passing through the source of the beam and the center of the plane formed by the edge of the first beam-limiting device.

"Charged particle beam" (see "Beam").

"Coefficient of variation" means the ratio of the standard deviation to the mean value of a population of observations.

"Collimator" means a device or mechanism by which the x-ray beam is restricted in size (see "Beam-limiting device").

"Computed tomography (CT)" means the production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Computed tomography dose index (CTDI)" means the integral of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan.

"Contact therapy system" means an x-ray system used for therapy which is designed for very short treatment distances (5 centimeters or less), usually employing peak tube potentials in the range of 20 to 50 kVp.

"Control panel" means that part or parts of the x-ray system upon

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which are mounted the switches, knobs, pushbuttons and other hardware necessary for setting the technique factors prior to initiating an x-ray exposure.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors and the supporting structures and frames which hold these components.

"Dead-man switch" means a switch constructed so that a circuit-closing contact can be maintained only by continuous pressure on the switch by the operator.

"Densitometer" means a device which is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Diagnostic imaging specialist" means a person who possesses the knowledge, training and experience to apply the principles of radiological physics to diagnostic x-ray applications. The diagnostic imaging specialist shall be approved and registered by the Department pursuant to 32 Ill. Adm. Code 410. A diagnostic imaging specialist shall meet one of the two criteria below:

Be certified by the American Board of Radiology, the American Board of Medical Physics or the Canadian College of Medical Physics in:

Diagnostic radiological physics; or
Radioisotopic physics.

Be approved by the Department as a nondepartment-qualified inspector pursuant to the provisions of 32 Ill. Adm. Code 410.307 and:

Have 3 years of experience performing radiation measurements and quality assurance duties in mammography and/or computed tomography; or

Have 2 years of experience performing radiation measurements and quality assurance duties in mammography and/or computed tomography and have undertaken a training program of at least 40 hours that includes instruction in quality assurance procedures and the requirements of this Part.

Who qualify as a diagnostic imaging specialist in mammography and/or computed tomography, the nondepartment-qualified inspector's experience shall have been obtained in the same field for which approval is sought.

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"Diagnostic source assembly" means an x-ray tube housing assembly, designed for use in diagnostic x-ray applications, with a beam-limiting device attached.

"Diaphragm" means a device or mechanism by which the x-ray beam is restricted in size (see "Beam-limiting device").

"Direct supervision" means an individual is in the physical presence of a licensed practitioner who assists, evaluates and approves of the individual's performance of the various tasks involved in the application of ionizing radiation.

"Field flattening filter" means a filter used to provide dose uniformity over the area of a useful beam of x-rays at a specified depth.

"Filter" means material placed in the useful beam to absorb, preferentially, radiations based on energy level or to modify the spatial distribution of the beam.

"Gantry" means that part of the system supporting and allowing possible movements of the radiation head.

"General purpose x-ray system" means any radiographic x-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

"Gonad shield" means a protective device for the testes or ovaries which provides a minimum of 0.5 millimeter lead equivalent protection.

"Half-value layer (HVL)" means the thickness of a specified material that attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half of its original value.

AGENCY NOTE: The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, should be minimized.

"Healing arts screening" means the examination of human beings using x-ray machines for the detection or evaluation of potential diseases when such examinations are not specifically authorized by a licensed practitioner of the healing arts legally ordered to prescribe such x-ray examinations for the purpose of diagnosis or treatment. However, healing arts screening does not include mammography on self-referred patients.

"Image intensifier" means a device, installed in a housing, which converts an x-ray pattern into a corresponding light image, usually by electronic means.

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"Image receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident x-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Isocenter" means a fixed point in space located at the center of the smallest sphere through which the central axis of the useful beam passes at any beam orientation.

"Kilovolts peak (kVp)" means the crest value, in kilovolts, of the electric potential applied to the x-ray tube between the cathode and anode of a pulsating electric potential generator.

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means all radiation emanating from the diagnostic source assembly except for:

The useful beam; and

The radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors used to measure leakage radiation from the diagnostic source assembly. They are defined as follows:

For capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in 1 hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs, i.e., 10 milliamperes-seconds, or the minimum obtainable from the unit, whichever is larger.

For field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of x-ray pulses in 1 hour for operation at the maximum-rated peak tube potential.

For all other equipment, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

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"Light field" means that area of the intersection of the light beam from the beam-limiting device and any one of the sets of planes parallel to and including the plane of the image receptor. The edge of the light field is defined as the locus of points at which the illumination is 25 percent of that at the center of the light field.

"Mammography" means radiography of the breast for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

"Mammography phantom" means a phantom specifically designed for image quality evaluation of mammography systems and which may also be used in the process of determining the mean glandular breast dose. It shall be any phantom material that is equivalent to a nominal 4.2-centimeter compressed breast of average density tier 7, 50 percent adipose and 50 percent glandular tissue, and shall contain masses, specks and fibers as specified in Section 360.71(f)(2) of this Act.

"Mammography system" means an x-ray system that is used to perform mammography.

"Medical radiographer" means a person other than a licensed practitioner, accredited in accordance with the provisions of 32 Ill. Adm. Code 401, or an individual exempt from the provisions of 32 Ill. Adm. Code 401, who performs medical radiation procedures and applies x-radiation, to any part of the human body, for diagnostic purposes while under the supervision of a licensed practitioner.

"Mobile equipment" (see "X-ray equipment").

"Monitor unit" means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"Moving beam therapy" means radiation therapy in which there is displacement of the useful beam relative to the patient. Moving beam therapy includes arc therapy, skip therapy and rotational beam therapy.

"Multiple scan average dose (MSAD)" means the average dose at the center of a series of scans, specified at the center of the axis of rotation of a computed tomography system.

"Operator" means an individual who applies ionizing radiation for diagnostic or therapeutic purposes.

"Phototimer" means a method for controlling radiation exposures to image receptors by the amount of radiation which reaches a radiation monitoring device(s). The radiation monitoring device(s) is part of

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an electronic circuit which controls the duration of time the tube is activated (see "Automatic exposure control").

"Physicist" (see "Therapeutic radiologist-physicist").

"Portable equipment" (see "X-ray equipment").

"Position indicating device" means a device on intraoral dental x-ray equipment used to indicate the beam position and to establish a definite source-skin distance.

"Primary protective barrier" (see "Protective barrier").

"Protective apron" means an apron of radiation absorbing materials, at least 0.25 millimeter lead equivalent, used to reduce exposure from leakage and scatter radiation.

"Protective barrier" means a barrier of radiation absorbing material(s) used to reduce radiation dose. The types of protective barriers are as follows:

"Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation dose.

"Secondary protective barrier" means a barrier sufficient to attenuate the leakage and scatter radiation to the required degree.

"Protective glove" means a glove made of radiation absorbing materials, at least 0.25 millimeter lead equivalent, used to reduce dose from leakage and scatter radiation.

"Radiation beam" (see "Beam").

"Radiation therapy simulation system" means a radiographic/fluoroscopic x-ray system used exclusively for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

"Radiologist" means a physician or veterinarian who is either:

certified by the American Board of Radiology--in diagnostic radiology or general radiology;

certified by the American Osteopathic Board of Radiology;

certified by the American Chiropractic Board of Radiology;

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**Certified-by-the-American-College-of-Veterinary-Radiology-or
Eligible-for-certification-by-any-College-or-Board--identified
above:**

"Reference plane" means a plane which is displaced from and parallel to the tomographic plane.

"Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient support device with respect to the Cr x-ray system between successive scans measured along the direction of such displacement.

"Scatter radiation" means radiation that, during passage through matter, has been deviated in direction.

"Secondary protective barrier" (see "Protective barrier").

**"Sensitometer" means a device which is used--to--test--the--setup--and
stability--of--film-processing-procedures--and--equipment--by--providing--a
standard-pattern-of-light-exposure-of-x-ray-film.**

"Shadow tray" means a device attached to the radiation head to support auxiliary beam-limiting material.

"Shutter" means an adjustable beam-limiting or attenuating device, usually made of lead, fixed to an x-ray tube housing to intercept or collimate the useful beam (see "Beam-limiting device").

"SID" means source-image receptor distance (see "Source-image receptor distance").

"Source" means the focal spot of the x-ray tube.

"Source-image receptor distance" means the distance from the source to the center of the input surface of the image receptor.

"Source to skin distance (SSD)" means the distance measured along the central ray from the center of the front surface of the x-ray focal spot to the surface of the irradiated object.

"Special purpose x-ray system" means any radiographic x-ray system which, by design, is limited to radiographic examination of a specific anatomical region, or to the extremities collectively.

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"Spot film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

"Stationary beam therapy" means radiation therapy in which there is no displacement of the useful beam relative to the patient during irradiation.

"Stationary equipment" (see "X-ray equipment").

"Supervision" means responsibility for and control of quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes.

"Technique factors" means the electrical potential (kilovolts), current (milliamperes), exposure time parameters (seconds or pulses) or a combination thereof, selectable at the control panel of an x-ray system (see "Control panel").

"Therapeutic radiological physicist" means an individual who has the knowledge, training and experience to measure ionizing radiation, evaluate safety techniques, advise regarding radiation protection and apply the principles of radiological physics to clinical radiation therapy. The therapeutic radiological physicist shall be approved and registered by the Department pursuant to 32 Ill. Adm. Code 410.90--meet--these--criteria--a--therapeutic---radiological
physicist--shall

**Be--certified--by--the--American-Board-of-Radiology--the-American
Board-of-Medical-Physics--or--the--Canadian-College-of-Medical
Physicists-in:**

Therapeutic-radiological-physicist-or

Roentgen-ray-and-gamma-ray-physicist-or

X-ray-and-radium-physicist-or

Radiological-physicist-or

**Hold--a--master's--degree--or--doctorate--in-physics--biophysics
radiological-physics--or--health-physics--and--have-completed--a--year
of--full-time-training--in-radiological-physics--and--also--a--year--of
full-time-work-experience-under-the-supervision-of--a--therapeutic
radiological-physicist--at--a--medical-institution--to-meet--this
requirement--the--individual--shall--have--performed--the--tasks
specified-in-Section-360-120(c)(7)-(d)-and-(e)-of--this--Part--under**

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the-supervision-of-a-therapeutic-radiological-physicist-during the-year-of-work-experience:

"Tomogram" means the depiction of the x-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane which is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose x-ray attenuation properties are imaged in a tomogram.

"Useful beam" (see "Beam").

"X-ray equipment" means an x-ray system, sub-system or component thereof. Types of x-ray equipment are as follows:

"Mobile x-ray equipment" means x-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled. Mobile x-ray equipment includes x-ray equipment permanently mounted in vehicles.

"Portable x-ray equipment" means x-ray equipment designed to be hand-carried.

"Stationary x-ray equipment" means x-ray equipment which is installed in a fixed location.

"X-ray field" means, for diagnostic purposes, that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor. The edge of the x-ray field is defined as the locus of points at which the exposure is 25 percent of that at the center of the x-ray field.

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control panel, an x-ray tube housing assembly, a beam-limiting device and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system. X-ray systems include diagnostic systems, therapeutic systems and accelerator systems.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 360.30 General Requirements and Administrative Controls

The requirements in this Section apply to all uses of x-rays in veterinary

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medicine and to all uses of x-rays in the healing arts including the use of x-rays for both diagnostic and therapeutic purposes. Additional requirements for all diagnostic x-ray systems are in Section 360.40 of this Part and specific equipment application classes are contained in Sections 360.41 through 360.100 of this Part. For therapeutic x-ray systems also see Sections 360.110 and 360.120 of this Part.

a) Registrant. The registrant shall:

- 1) Direct the operation of the x-ray system(s);
- 2) Register with the Department, in accordance with the provisions of 32 Ill. Adm. Code 320, all x-ray equipment which is used at the facility and all portable or mobile x-ray equipment used by the registrant;

3) **Submit an application for inspection of radiation machines to the Department in accordance with 32 Ill. Adm. Code 418 and if the inspection is performed by a nondepartment-qualified inspector, submit the radiation inspection report to the Department;**

- 34) Verify that each individual required to be accredited by 32 Ill. Adm. Code 401 to apply x-rays for either diagnostic or therapeutic purposes is properly accredited with the Department prior to allowing the individual to apply medical radiation procedures on human beings;

45) Permit operation of the x-ray system(s) only by individuals who are licensed in accordance with State law (see Section 360.10(a) of this Part), or who are accredited by the Department pursuant to 32 Ill. Adm. Code 401 or who are exempt from such requirements in accordance with the provisions of 32 Ill. Adm. Code 401.

- b) Shielding. Each installation shall be provided with such primary barriers and/or secondary barriers as are necessary to assure compliance with the provisions of 32 Ill. Adm. Code 340.210, 340.270, 340.280 and 340.310.

c) An x-ray system which does not meet the provisions of this Part shall not be operated for diagnostic or therapeutic purposes.

d) If an x-ray system is identified as not being in compliance with the provisions of this Part and if that system is accessible for use, it shall be rendered inoperable (i.e., dismantle the x-ray source from the source support assembly) if so ordered by the Director.

e) Prohibitions

- 1) Unauthorized Exposure. Individuals shall not be exposed to the useful beam except for healing arts purposes and only when such exposure has been authorized by a licensed practitioner of the healing arts. This provision specifically prohibits deliberate exposure for the following purposes:
 - A) Exposure of individuals for training, demonstration or other non-healing arts purposes.
 - B) Exposure of individuals for the purpose of "healing arts screening" (see Section 360.20 of this Part).

2) Fluoroscopy shall not be used as a substitute for radiography or in lieu of proper anatomical positioning/centering procedures

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prior to radiographic studies.

3) Fluoroscopic equipment using phosphorescent screens shall not be used. Image intensification shall be utilized on all fluoroscopic equipment.

4) The use of direct exposure x-ray film (without intensifying screens) for routine diagnostic radiological imaging procedures, other than intraoral dental radiography and therapeutic portal imaging, is prohibited.

AGENCY NOTE: Therapeutic portal imaging is a technique used in radiation therapy to verify correct alignment of therapy beams with the patient's anatomy.

5) The use of photofluorographic systems is prohibited.

AGENCY NOTE: Photofluorography is frequently called mass miniature radiography. In this technique the image of a fluorescent screen is recorded on film by means of a camera.

f) Individual Monitoring and Reporting Requirements. All persons who are associated with the operation of an x-ray system are subject to the radiation dose standards, requirements for the determination of the doses, requirements for individual monitoring and requirements for reporting of radiation doses which are contained in 32 Ill. Adm. Code 340.

g) The registrant shall comply with the requirements of the Department's rules entitled Notices, Instructions and Reports to Workers; Inspections, 32 Ill. Adm. Code 400.

h) Records and Associated Information. The registrant shall maintain at the facility, for a period of at least one inspection cycle (see 32 Ill. Adm. Code 320.10(G) 41e-66(4)), records showing the receipt, transfer, storage and disposal of all sources of radiation in accordance with the provisions of 32 Ill. Adm. Code 310 and 320.

i) Staff Qualifications. The registrant shall maintain at the facility, for review by the Department, current certificates of accreditation (clear, legible copies are acceptable), issued by the Department in accordance with the provisions of 32 Ill. Adm. Code 401, for all individuals who are required to be so accredited.

j) Radiation Safety Procedures. The registrant shall provide to each individual who operates x-ray equipment at the facility written operating and safety procedures. These procedures shall include restrictions required for the safe operation of each radiation machine and shall include the topics listed in the radiation safety program of subsection (k) of this Section.

k) Radiation Safety Program. The registrant shall provide for initial and annual in-service training in radiation safety for individuals (excluding licensed practitioners) that apply ionizing radiation at the facility, to ensure their awareness of the registrant's radiation safety practices and policies. The in-service training shall include the following topics:

- 1) Operating and emergency procedures for the radiation machine(s);
- 2) Use of personnel and patient protective devices;

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3) Procedures to minimize patient and occupational doses, including procedures for selecting personnel to support patients or film, as required by Section 360.40 of this Part;

4) Use of individual monitoring devices (if such devices are used at the facility);

5) Film processing procedures; and

6) Prohibited uses of x-ray machines, as described in subsection (e) of this Section.

1) Operator Training. Individuals who operate radiation machines shall be instructed in and able to demonstrate competence with the registrant's operating and safety procedures.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 360.41 Additional Requirements for Use of Diagnostic X-Ray Systems in the Healing Arts of Medicine, Podiatry and Chiropractic

a) Viewing System. Windows, mirrors, closed circuit television or an equivalent system shall be provided to permit the operator to continuously observe the patient during irradiation.

b) The operator shall be able to maintain aural contact with the patient.

c) Each x-ray control shall be located in such a way as to meet the following requirements:

1) Stationary x-ray systems and mobile or portable x-ray systems used as stationary x-ray systems shall be required to have the x-ray exposure switch permanently mounted behind a protective barrier.

2) For mobile and portable single event exposures and configuration, the x-ray control shall be positioned so that the operator is at least 1.83 meters (6 feet) away from the tube housing and the patient during an exposure.

3) Stationary podiatric x-ray systems are exempt from the requirements of subsection (c)(1) of this Section, provided that the x-ray control meets the requirements of subsection (c)(2) of this Section.

d) Portable or mobile x-ray equipment shall be used only for examinations where it is impractical to transfer the patient(s) to a stationary x-ray installation.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 360.50 Fluoroscopic Systems

In addition to the provisions of Sections 360.10, 360.30, 360.40 and 360.41 of this Part, the requirements of this Section apply to x-ray equipment and associated facilities used for fluoroscopy.

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a) Beam Limitation. The x-ray field shall be limited by stepless adjustable shutters. In addition:

- 1) The minimum field size at the greatest SID shall be no greater than 5 centimeters by 5 centimeters.
- 2) The mechanism(s) (manual/automatic mode selector(s)) provided for activating and positioning the beam-limiting shutters shall function properly. This requirement applies to shutters used in fluoroscopic procedures or spot filming procedures or both fluoroscopic and spot filming procedures.
- 3) Neither the length nor the width of the x-ray field in the plane of the image receptor shall exceed that of the visible area of the image receptor by more than three percent of the SID. The sum of the excess length and the excess width shall be no greater than four percent of the SID. This requirement applies to field sizes for fluoroscopic procedures or spot filming procedures or both fluoroscopic and spot filming procedures.
- 4) For fluoroscopic equipment with only a manual mode of beam limitation, the x-ray field produced shall be limited to the area of the spot film cassette at 40.6 centimeters (16 inches) above the tabletop. Additionally, during fluoroscopy, the operator shall restrict the beam to the area of the input phosphor.
- 5) Spot film devices shall meet the following additional requirements:

A) Means shall be provided between the source and the patient for adjustment of the x-ray field size in the plane of the image receptor to the size which has been selected on the spot film selector. Such adjustment shall be accomplished automatically except when the x-ray field size in the plane of the image receptor is smaller than that selected;

B) The center of the x-ray field in the plane of the image receptor shall be aligned with the center of the selected portion of the film to within two percent of the SID; and

C) If the angle between the plane of the image receptor and beam axis is variable, a device shall be provided to visually indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

6) The beam limitation requirements of this subsection shall not apply to fluoroscopic systems specifically designed for examination of extremities only and meeting the requirement of subsection (1) of this Section.

b) Fluoroscopic Timer. A manual reset, cumulative timing device shall be used which will either indicate elapsed on-time by an audible signal or turn off the system when the total exposure time exceeds a predetermined limit not exceeding 5 minutes in one or a series of exposures.

c) Primary Barrier/Interlock. These devices shall be provided and shall function so that:

- 1) The entire cross section of the useful beam is intercepted by the

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Primary protective barrier of the fluoroscopic image assembly at any SID; and

2) The fluoroscopic tube is interlocked to prevent the unit from producing x-rays unless the primary barrier is in position to intercept the useful beam, as specified in subsection (1) of this Section, at all times.

d) Source-Skin Distance. The SSD shall not be less than:

- 1) 38 centimeters (15 inches) on all stationary fluoroscopes;
- 2) 30 centimeters (12 inches) on all mobile fluoroscopes; and
- 3) 9 centimeters (3.5 inches) for fluoroscopes specifically designed for examination of extremities only and meeting the requirements of subsection (1) of this Section.

e) Indication of Potential and Current. During fluoroscopy and recording of fluoroscopic images, the kVp and the mA shall be continuously indicated at the control panel and/or the operator's position.

f) Activation of the Fluoroscopic Tube. X-ray production in the fluoroscopic mode shall be controlled by a device which requires continuous pressure by the operator for the entire time of any exposure. When recording serial fluoroscopic images, the operator shall be able to terminate the x-ray exposure(s) at any time, but means may be provided to permit completion of any single exposure of the series in process.

g) Entrance Exposure Requirements

- 1) Maximum Exposure Rate. Fluoroscopic systems shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 2.38 mC/kg(10 R) per minute at the point where the center of the useful beam enters the patient, except:

A) During recording of fluoroscopic images; or

B) When an optional high level control is activated (see subsection g)(2)).

- 2) When a high level control is activated, the equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5.15 mC/kg(20 R) per minute at the point where the center of the useful beam enters the patient. In addition, the following requirements apply to high level controls:

A) Separate means of activation of high level controls shall be required. The high level control shall only be operable when continuous manual activation is provided by the operator.

B) A continuous signal audible to the operator shall indicate that the high level control is being employed.

- 3) Compliance with the requirements of subsections g)(1) and (2) of this Section shall be determined using technique factors that produce the maximum exposure rate. For systems employing automatic exposure rate control, material having an equivalency of at least 3 millimeters of lead shall be placed in the primary

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beam between the image receptor and the radiation measuring device. The lead or equivalent material shall be positioned to ensure that the entire primary beam is blocked.

AGENCY NOTE: Many fluoroscopic systems do not yield their maximum exposure rate at the maximum tube potential or tube current. The exposure rate should be checked at various kVp and mA settings to establish the maximum exposure rate for the system.

- 4) Fluoroscopic systems shall not be operable at any combination of tube potential and current that will result in an exposure rate in excess of 1.29 mR/kg (5 R) per minute at the point where the center of the useful beam enters the patient, when measured under the following conditions:

A) Movable grids and compression devices shall be removed from the useful beam during the measurement.

B) For systems without automatic exposure rate control, the measurement shall be performed using technique factors clinically used for a standard adult patient thickness of 23 centimeters.

AGENCY NOTE: An attenuation block or other suitable material should be placed in the beam to protect the imaging system.

- C) For systems with automatic exposure rate control, the measurement shall be performed with a 0.25 centimeter thick copper phantom material--striking--the--standard--adult patient thickness--of--23--centimeters--in the beam between the radiation measuring device and the image receptor.

AGENCY NOTE: Use of a 0.25 centimeter copper phantom approximates the attenuation of a standard adult patient thickness of 23 centimeters, and assures consistency in the measurement of fluoroscopic exposure rate.

AGENCY NOTE: The Department recommends additional measurements be made of the entrance exposure rate for fluoroscopic systems capable of recording fluoroscopic images, and the entrance exposure for spot film techniques for fluoroscopic systems with that modality. In either case, measurements should be made under the conditions specified in subsection (g)(4)(B) of this Section.

- D) The requirements of subsection (g)(4) of this Section shall not apply to fluoroscopes specifically designed for examination of extremities only and meeting the requirements of subsection (1) of this Section.

5) Measurements performed pursuant to the requirements of subsections (g)(1) through (4) of this Section shall meet the following additional requirements:

- A) If the source is below the table, the exposure rate shall be determined for the center of the useful beam 1 centimeter above the tabletop or cradle, with the input surface of the

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fluoroscopic imaging assembly positioned 30 centimeters (12 inches) above the tabletop.

- B) If the source is above the table, the exposure rate shall be determined at 30 centimeters (12 inches) above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

C) For a fixed SID C-arm type of fluoroscope, the exposure rate shall be determined 30 centimeters (12 inches) from the input surface of the fluoroscopic imaging assembly.

D) For a variable SID C-arm type of fluoroscope, the exposure rate shall be determined 30 centimeters (12 inches) from the input surface of the fluoroscopic imaging assembly with the end of the beam-limiting device or spacer positioned as close as possible to the point of measurement.

E) For a lateral type fluoroscope, the exposure rate shall be determined on the central axis of the primary beam at a point 15 centimeters (6 inches) from the centerline of the x-ray table and in the direction of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral x-ray source, with the end of the beam-limiting device or spacer no closer than 15 centimeters to the centerline of the x-ray table.

AGENCY NOTE: A lateral type fluoroscope is a fluoroscope that cannot be rotated so that the source or the fluoroscopic imaging assembly can be positioned below the fluoroscopic table or cradle.

F) For a fluoroscopic system specifically designed for examination of extremities only, the exposure rate shall be determined for the minimum source-skin distance.

- 6) The measurements required by this subsection (g) shall be performed when the system is inspected as specified in 32 Ill. Adm. Code 410 as well as after any maintenance of the system which might affect the exposure rate.

7) The results of the measurements required by subsections (g)(1), (2) and (4) of this Section shall be posted or available at the control panel. The measurement results shall be stated in millicoulombs per kilogram (milliroentgens) per minute or microcoulombs per kilogram (microrentgens) per second and shall include the technique factors used in determining such results. The name of the individual performing the measurements and the date the measurements were performed shall be included in the results.

AGENCY NOTE: The resolution and efficiency of the fluoroscopic imaging system should be evaluated periodically, whenever deterioration in the imaging system is suspected and when the

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measured exposure rate exceeds the standards of this Section.

- h) Barrier Transmitted Radiation Rate Limits
- 1) The exposure rate due to transmission through the primary protective barrier shall not exceed 0.516 microC/kg (2mR) per hour at 10 centimeters from any accessible surface of the fluoroscopic imaging assembly beyond the plane of the image receptor per 258 microC/kg (1R) per minute of entrance exposure rate.
 - 2) Measuring Compliance of Barrier Transmission
 - A) The exposure rate due to transmission through the primary protective barrier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.
 - B) If the source is below the tabletop, the exposure rate shall be determined with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop.
 - C) If the source is above the tabletop and the SID is variable, the exposure rate shall be determined with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, provided that it shall not be closer than 30 centimeters.
 - D) Movable grids and compression devices shall be removed from the useful beam during the measurement.
 - E) An attenuation block shall be positioned in the useful beam 10 centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.
 - 1) Staff and Ancillary Personnel Protection. The operator, assistants and observers allowed in the examining room shall be protected from scatter radiation by protective aprons of not less than 0.25 millimeter lead equivalent or whole body protective barriers or shall be positioned at a sufficient distance to ensure that the individual does not receive a radiation dose in excess of the limits specified in 32 Ill. Adm. Code 340.310.
 - j) Control of Scattered Radiation
 - 1) For fluoroscopic systems utilizing an x-ray tube that is mounted below the table, the table shall be provided with shielding (bucky slot cover) equivalent to 0.25 millimeter lead equivalent to attenuate scattered radiation emanating from below the table.
 - 2) A shield of at least 0.25 millimeter lead equivalent, such as overlapping protective drapes or hinged or sliding panels, shall be provided and used to intercept scatter radiation which would otherwise reach the operator and others near the machine. This shielding shall not be a substitute for the wearing of a protective apron (0.25 millimeter lead equivalent) for protection against scattered radiation.
 - 3) Where sterile fields or special procedures prohibit the use of

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protective barriers or drapes, subsection (j)(2) of this Section shall not apply.

k) Additional Requirements for Stationary Fluoroscopic Systems Used for Cardiac Catheterization Procedures

- 1) Protective barriers shall be available for use by individuals whose presence is required in the room during activation of the x-ray tube(s). If a protective barrier includes or consists of a transparent viewing panel, the viewing panel shall afford protection of not less than 0.5 millimeter of lead equivalent.
 - 2) Protective aprons of not less than 0.25 millimeter of lead equivalent shall be worn in the fluoroscopy room by all individuals (except the patient).
- AGENCY NOTE: Because modern equipment allows great flexibility in the direction of the beam, individuals in the room should step back from the x-ray system and behind protective barriers during activation of the x-ray tube(s).

1) Additional Requirements for Fluoroscopic Systems Specifically Designed for Examination of Extremities Only

- 1) The radiation safety procedures required pursuant to Section 360.30(j) of this Part shall include the following:
 - A) A warning concerning the potential for, and the hazards of, increased patient radiation dose associated with x-ray systems employing short source-skin distances;
 - B) Procedures for obtaining imaging magnification with minimum patient dose, including imaging systems or screen-film combinations;
 - C) Technique factors for specific examinations for which the system is designed;
 - D) Radiation exposure data, including skin entrance exposure for each set of technique factors used.
- 2) The x-ray system shall be clearly labeled as follows: "For Examination of Extremities Only."
- 3) ~~The--source-skin-distance--shall--be--limited--as--specified--in--subsection-1d-of-this-Section--~~
- 34) Fluoroscopic systems specifically designed for examination of extremities only shall be used solely for examination of extremities.
- m) Radiation Therapy Simulation Systems. Radiation therapy simulation systems shall be exempt from the requirements of subsections (a), (b), (c), (g) and (h) of this Section provided that:
 - 1) Such systems are designed and used in such a manner that no individual other than the patient is in the x-ray room during periods of time when the system is producing x-rays; and
 - 2) Such systems that do not meet the requirements of subsection (b) of this Section are provided with a means of indicating the cumulative time that an individual patient has been exposed to x-rays. Procedures shall require in such cases that the timer be reset between examinations.

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- n) Operator Restrictions. No person shall intentionally administer radiation to a human being with a fluoroscopic radiation machine unless such person is licensed to practice a treatment of human ailments under the Medical Practice Act of 1987, the Illinois Dental Practice Act or the Podiatric Medical Practice Act of 1987, except:
- 1) An accredited medical radiographer may operate a fluoroscope for static functions when diagnostic interpretation of the fluoroscopic image results is not required by the radiographer and only under the direct supervision of a licensed practitioner who is within visual contact; or
 - 2) An accredited medical radiographer may operate a fluoroscope as directed by, and under the direct supervision of, a licensed practitioner who is physically present and participating in the procedure; or
 - 3) An accredited medical radiographer or radiation therapist may operate a fluoroscope for radiation therapy simulation procedures under the direct supervision of a licensed practitioner.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 360.60 Radiographic Systems Other Than Fluoroscopic, Dental, Veterinary or Computed Tomography Systems

In addition to the provisions of Sections 360.10, 360.30, 360.40 and 360.41 of this Part, the requirements of this Section apply to x-ray equipment and associated facilities used in the healing arts of medicine, chiropractic and podiatry. It does not apply to fluoroscopic, dental, veterinary or computed tomography systems.

- a) Beam limitation. The useful beam shall be limited to the area of clinical interest.
 - 1) Stationary General Purpose and Mobile/Portable X-Ray Systems
 - A) Variable X-Ray Field Limitation. An adjustable collimator shall be provided with means for independent stepless adjustment of the size of the x-ray field.
 - B) Visual Indication of Field Size. Means shall be provided for visually defining the perimeter of the x-ray field. The total misalignment of the edges of the visually defined field, with respect to the edges of the x-ray field, along either the length or the width of the visually defined field, shall not exceed two percent of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the axis of the x-ray beam.
- AGENCY NOTE: When a light localizer is used to define the x-ray field, it should provide an average illumination of not less than 100 lux (9 footcandles) at 100 centimeters or at the maximum SID, whichever is less.

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2) Special Purpose X-Ray Systems

- A) Means shall be provided to limit the x-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than two percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor.
- B) The requirements of subsection (a)(2)(A) of this Section may be met:
 - i) With a system that meets the requirements specified in subsection (a)(1) of this Section; or
 - ii) With an assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used, with each such device having permanent, clearly legible markings, in centimeters and/or inches, to indicate the image receptor size and SID for which it is designed; or
 - iii) With a beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is used. Permanent, clearly legible markings, in centimeters and/or inches, shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.
- 3) Radiation therapy simulation systems shall be exempt from the beam limitation requirements of this Section.
 - 6) Exemptions
 - ii) Radiation therapy simulation systems shall be exempt from the beam limitation requirements of subsection (a)(2)(A) of this Section.
 - iii) Mammography systems shall be exempt from the requirements of subsection (a)(2)(B) of this Section.
- b) Radiation Exposure Control Devices
 - 1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, preset number of pulses or preset radiation exposure to the image receptor. Also, it shall not be possible to make an exposure when the timer is set to a zero or off position if either position is provided.
 - 2) X-Ray Control
 - A) An x-ray control shall be incorporated into each x-ray system such that an exposure can be terminated by the operator at any time except for:
 - i) Exposures of 0.5 second or less; or

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ii) During serial radiography when means shall be provided to permit completion of any single exposure of the series in process.

B) The exposure switch shall be a dead-man switch.

3) Automatic Exposure Controls (AEC). Systems which are provided with automatic exposure control devices shall incorporate a back-up timer to terminate the radiation exposure in the event of AEC failure. In addition, they shall meet the following requirements:

A) Indication shall be made on the control panel when this mode of operation is selected; and

B) A visible signal shall indicate when an exposure has been terminated by the back-up timer, and manual resetting shall be required before further automatically timed exposures can be made.

c) Source-Skin Distance (SSD). All mobile or portable radiographic systems shall be provided with means to limit the SSD to 30 centimeters or greater

d) Linearity. For equipment that is operated at more than one x-ray tube current or current-time product setting, the average ratio of exposure (microcoulombs per kilogram or milliroentgens) to the indicated milliamperes-seconds (mas) product obtained at any two tube current or current-time product settings utilized shall not differ by more than 0.10 times their sum. This requirement is mathematically represented by the following:

$$(\bar{X}[1] - \bar{X}[2]) \leq [0.10(\bar{X}[1] + \bar{X}[2])]$$

where $\bar{X}[1]$ and $\bar{X}[2]$ are the average microC/kg/mAs or mR/mAs values obtained at any two tube current or current-time product settings utilized. Compliance shall be determined at any fixed x-ray tube potential within the range of 40 percent to 100 percent of the maximum rated tube potential.

e) Medical Radiographic Entrance Exposure Limits. The in-air exposure determined for the technique used for the specified average adult patient for routine medical radiography shall not exceed the entrance exposure limits shown below: (See Section 360. Appendix A of this Part for measurement protocol and calculation of exposure at skin entrance.)

Technique	Thickness (cm)	Exposure Limit (microC/kg) (mR)
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Chest (PA), Grid	23	9	35
Chest (PA), Non-Grid	23	8	30
Abdomen (KUB)	23	155	600
Lumbo-Sacral Spine (AP)	23	206	800
Cervical Spine (AP)	13	52	200
Skull (lateral)	15	65	250
Foot (D/P)	8	26	100

AGENCY NOTE: These exposures are maximums. With careful selection of technique factors, adjustment of film processing systems, and choice of film and screen-film combinations, patient exposures can be further reduced.

f) SID Indication

1) Means shall be provided to indicate the SID.

2) SIDs shall be indicated in centimeters and/or inches and the measured SID shall correspond to the indicated value to within two percent.

g) X-Ray Field/Image Receptor Alignment. Means shall be provided to:

- 1) Indicate when the axis of the x-ray field is perpendicular to the plane of the image receptor; and
- 2) Align the center of the x-ray field with respect to the center of the image receptor to within two percent of the SID.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 360.71 Additional Requirements for Facilities Performing Mammography (Repealed)

In addition to the provisions of Sections 360.10, 360.30, 360.40, 360.41, 360.60, 360.66 of this Part and 32-411, Admin. Code 400 and 401, the requirements of this Section apply to mammography systems and associated facilities used for mammography:

a) Physician Supervision/Mammography operations and procedures shall be under the supervision of a physician licensed under the Medical Practice Act of 1987 (225 ILCS 60) to practice medicine in all of its branches:

ASBGEV-NRBE--the individual interpreting clinical images of the breast should be a licensed practitioner of the healing arts--trained in the imaging modality being used and should be certified in diagnostic radiology by either the American Board of Radiology--the American Osteopathic Board of Radiology--or Royal College of Physicians and Surgeons of Canada

b) Medical Radiographers--Who perform Mammography--Registrants--shall assure that medical radiographers who perform mammography procedures have met the requirements for initial training and continuing

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education--in--mammography--as set forth in 32-III-Adm-Code-401:160 and 401:Appendix-C:

- c) Mammography shall only be performed with a special purpose radiation machine specifically designed for and used solely for mammography procedures.
 - d) Mammography systems shall be provided with compression devices parallel to the imaging plane to immobilize and compress the breast. Compression devices shall:
 - i) Be capable of maintaining a compression force of at least 11.3 kilograms (25 pounds) for at least 15 seconds; and
 - ii) Be capable of exceeding a compression force of more than 18.1 kilograms (40 pounds) when used in an automatic or power drive mode.
- AGENCY-NR085: Mammography compression devices should be tested at regular intervals to ensure the compression force is adequate but not excessive and that the devices release properly according to the manufacturer's specifications.
- e) Half-Value-Layer:--Notwithstanding the requirements of Section 360-40(a) of this Part, the following requirements apply to mammography systems:
 - i) For mammography systems operating at x-ray tube potentials of less than 35 kVp, the half-value layer (HVL) in millimeters of aluminum of the useful beam shall be equal to or greater than the product of the tube potential in kilovolts multiplied by 0.017 plus 0.03 when measured with the compression paddle in the beam. Example: If the HVL is measured with the compression paddle in the beam, at a tube potential of 27 kVp, the minimum acceptable HVL is 0.38 millimeter of aluminum.

AGENCY-NR085: Prior to making HVL determinations, the kVp of the useful beam should be measured to verify the accuracy of the indicated kVp values. If a discrepancy exists between measured and indicated values, the measured value should be used for the calculation of minimum HVLs (see also Section 360-40(f)(3) of this Part).

- 2) For non-screen film applications, the half-value layer shall not be less than 1.0 millimeter of aluminum equivalent.
 - 3) The half-value layer shall be measured with the compression device in the beam and shall be measured at the same tube potential used in Section 360-Appendix-B of this Part.
- Mammography Pose Measurement Protocol and Section 360-Appendix-C of this Part; Mammography Phantom Image Evaluation.
- AGENCY-NR085: If the measured half-value layer is significantly greater than the specified minimum image contrast will be reduced and overall image quality will be degraded. For screen film mammography systems, it is recommended that the HVL not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum as specified in the American College of Radiology Mammography Quality Control for Medical Physicists--Revised

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Editorial-1994:
AGENCY-NR085: A copy of this report is available for public inspection at the Department of Nuclear Safety-1035-Oak-Park Drive-Springfield-Illinois-62904. Copies of this report may also be obtained from the American College of Radiology-1691 Preston-White Drive-Reston-VA-22091.

- f) Source-Image-Receptor-Distance:--Mammography equipment shall not be operated at any source-image-receptor distance less than 50 centimeters.
- g) Focal-Spot-Size:--The nominal focal spot size as specified by the x-ray tube manufacturer shall not exceed 0.6 millimeter.
- h) Mammography-Exam-Dose-Limits:--(See Section 360-Appendix-B of this Part for the required measurement protocol.) The mean glandular dose for an cranio-caudal view of a 4-2 centimeter compressed breast (50 percent adipose and 50 percent glandular) shall not exceed:
 - i) 1mGy(100-mrad) for screen film radiographs not employing the use of grids;
 - ii) 3mGy(300-mrad) for screen film radiographs employing the use of grids; or
 - iii) 4mGy(400-mrad) for verteography.

Mammography-Exposure-Rate:--Mammography systems shall have sufficient x-ray output to complete the exposure required for the dose measurement of subsection (h) of this Section within a time of 2.5 seconds or less.

AGENCY-NR085: Mammographic x-ray systems should have means to indicate the milliamperes-seconds (mas) resulting from each exposure made with automatic exposure control.

Mammography-Phantom-Image-Evaluation:--Mammography equipment shall be subjected to a phantom image evaluation using the mammography phantom specified in subsection (j)(3) of this Section.

- i) A phantom image evaluation shall be performed annually as part of the inspection procedure required in 32-III-Adm-Code-410.507 using the mammography phantom image evaluation protocol found in Section 360-Appendix-C of this Part.

A) Phantom images produced during an inspection by a Departmental inspector shall be retained by the Department.

B) Phantom images produced during an inspection by a nondepartment qualified inspector shall be submitted to a Department at the time of submission of inspection report.

2) The mammography phantom used for phantom image evaluation shall be composed of material that is equivalent to a nominal 4:2 centimeter compressed breast of average density (47.5 percent adipose and 50 percent glandular tissue) and shall contain the following objects:

- A) Spherical masses composed of phenolic plastic with thicknesses of: 2.00, 1.00, 0.75, 0.50 and 0.25 millimeter.
- B) Specks composed of aluminum-oxide with diameters of: 0.54, 0.40, 0.30, 0.24 and 0.16 millimeter.

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- e) Fiber is composed of nylon with thicknesses of: 1.56-1.127-0.89-0.75-0.54-and-0.40 millimeter
 AGENCY-NR925--The Mammographic Accreditation Phantom Model 156--manufactured by Radiation Measurements, Inc. meets the above criteria and was chosen for use by the American College of Radiology's Mammography Accreditation Program.
 3) Phantom images submitted to the Department shall be labeled with or include as an attachment the following information:
 A) Name of the facility and machine reference number;
 B) Technique factors used to produce the image;
 C) Identification of the film processing equipment;
 D) Date the image was produced; and
 E) Name or inspector identification number of the individual performing the test;
 4) The mammography system shall be capable of producing images of the mammography phantom in which the following objects are visualized:
 A) The three largest masses with thicknesses of 2.0-1.0-and-0.75 millimeter;
 B) The three largest speck groups with diameters of 0.54-0.40-and-0.32 millimeter;
 C) The four target fibers with thicknesses of 1.56-1.12-0.89-and-0.75 millimeter;
 5) The Department shall evaluate the images produced during mammography phantom evaluation and shall report the results to the facility.
 AGENCY-NR925--The Department will evaluate mammography phantom images using procedures recommended by the American College of Radiology in "American College of Radiology: Mammography Quality Control for Medical Physicists, Revised Edition: 1994."
 k) Quality assurance--A quality assurance (QA) program shall be established and maintained at each facility performing mammography procedures--The QA program shall include a performance evaluation of the mammographic x-ray machine and the film processor--Each facility shall have available for daily use the mammography phantom specified in subsection (j)(2) of this Section--a densitometer--and a sensitometer;
 l) A diagnostic imaging specialist shall establish and provide administrative oversight over the quality assurance program;
 2) The quality assurance program shall include but not be limited to the following:
 A) A list of names and qualifications of individuals responsible for:
 i) Administration of the QA program;
 ii) Performance of QA tests; and
 iii) Repairing or servicing the x-ray equipment;
 B) A QA protocol which includes the following:
 i) A description of the QA tests to be performed;

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- iii) The frequency of each QA test;
 iii) Criteria of acceptability for each QA test; and
 iv) A description of actions to be taken if established criteria are not met;
 3) Quality assurance testing shall include but not be limited to the following tests, which shall be performed at the prescribed frequency:
 A) The film processor shall be subjected to a performance evaluation each day before the processing of clinical or phantom images--Evaluation shall include measurement of temperature--and--densitometer--measurements--of sensitometer-exposed film which has been processed in the film processor;
 B) Mammography systems shall be tested for image quality each calendar month--image quality testing shall be performed using the mammography phantom specified in subsection (j)(1) of this Section--and the mammography phantom image evaluation protocol--found in Section 369-Appendix C of this Part--in addition, the following requirements apply to image quality testing:
 i) The individual identified in subsection (k)(1) of this Section shall provide such training as is necessary to the individual assigned to perform phantom image quality evaluation;
 ii) Image quality testing shall be repeated after any change in or replacement of components of the x-ray machine or film processor which may affect the image quality as determined by the individual identified in subsection (k)(1) of this Section;
 iii) Each phantom image produced shall be labeled with the date, technique factors and equipment information if the facility contains more than one mammography machine;
 iv) The registrant shall assure that the phantom image produced pursuant to this subsection meets the criteria of subsection (j)(1) of this Section;
 v) Mammography systems capable of producing phantom images shall not be used to image human patients until a phantom image has been produced meeting the criteria of subsection (j)(1) of this Section;
 4) Mobile mammography systems shall be tested using the mammography phantom image evaluation after each relocation and prior to use on patients or shall meet the following requirements:
 A) A diagnostic imaging specialist shall establish a protocol for measurement of the radiation output of the mammography system, including the radiation measuring device to be used, procedures for performing the measurement--and the

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anticipated result of the measurement.
b) Measurements shall be performed using the technique factors that were used for the most recent phantom image evaluation (see subsection (k)(3)(b) of this Section); if a change is made in the technique factors used for the measurements required in this subsection, the image quality shall be tested using the mammography phantom image evaluation protocol found in Section 360-Appendix C of this Part.
AGENCY NOTES: If the phantom image evaluation is performed using a photometer, the diagnostic imaging specialist may specify appropriate technique factors that approximate those used by the photometer for the measurements required in this Section.

c) After each relocation of a mobile mammography system, measurements of the radiation output of the machine shall be performed according to the protocol established in subsection (k)(4)(a) of this Section.
d) If the radiation output measurement of subsection (k)(4)(c) of this Section exceeds plus or minus 15 percent of the value established by the diagnostic imaging specialist in subsection (k)(4)(a) of this Section, the system shall not be used to image nursing patients and shall be caused for the portion of radiation output measurements for mobile mammography systems shall be measured at the location of the mammography system for a period of not less than one inspection cycle (see 32-ill-Adm-Code 410.60(d)).
AGENCY NOTES: The Department recommends that mobile mammography systems be tested for image quality after each relocation and prior to use on patients with the mammography phantom image evaluation protocol in Section 360-Appendix C of this Part.

5) A diagnostic imaging specialist shall conduct a review of the quality assurance program each year. Such review shall include evaluation of the results of quality assurance testing.
AGENCY NOTES: In addition to the quality assurance testing required in this Section, facilities performing mammography should establish a quality assurance program that provides for analysis of repeated mammography exams, testing of screen-film contact for all cassettes used to produce clinical images, testing of film fogging in the darkroom and measurement of the force applied by the compression device in both manual and power modes (if applicable).

1) Records
1) The registrant shall maintain and have available for review at the facility records of quality assurance testing performed as required in subsection (k) of this Section.
A) Records of film processor performance evaluation shall

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contain the date the test was performed, identification of the person performing the test and the results of the test including densitometry measurements.
B) Records of image quality testing shall include the mammography phantom image labeled with the information required in subsection (k)(3) of this Section and the results of the mammography phantom image evaluation including the number, type and size of phantom objects visualized.

c) The registrant shall maintain at the facility for a period of at least one inspection cycle (see 32-ill-Adm-Code 410.60(d)) the records specified in subsections (f)(1)(a) and (f)(3) of this Section.

2) Unless they are transferred directly to the patient or the patient's physician, mammography images of films shall be retained by the provider of the mammography service for a minimum of 60 months. Mammography images or films referred to a patient's physician shall be retained by the physician for a minimum of 60 months. These retention periods are minimum and shall not reduce any other radiation record retention requirements established by Federal or State regulation.
AGENCY NOTES: The Department recommends that when a provider of the patient's physician, the physician should be notified of the requirement to retain mammography images for 60 months.

m) Additional Operator Requirements: Every operator of a radiation installation at which mammography services are provided shall ensure and have confirmed by each mammography patient that the patient is provided with a pamphlet which is orally reviewed with the patient and which contains the following:

- 1) how to perform breast self-examination?
- 2) that early detection of breast cancer is achieved through a combined approach, using monthly breast self-examination, a thorough physical examination by a physician and mammography performed at recommended intervals
- 3) that mammography is the most accurate method for making an early detection of breast cancer; however, no diagnostic tool is 100% effective?
- 4) that if the patient is self-referred and does not have a primary care physician, or if the patient is unfamiliar with the breast examination procedures, that the patient has received information regarding proper health services where she can obtain a breast examination and instructions (420-1659-4b/5(c))

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

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a) Requirements for Equipment

- 1) Termination of Exposure
 - A) Means shall be provided to terminate the x-ray exposure automatically, either by de-energizing the x-ray source or by shutting the x-ray beam, through the use of either a back-up timer or devices which monitor equipment function.
 - B) A visible signal shall indicate when the x-ray exposure has been terminated through the means required by subsection (a)(1)(A) of this Section.
 - C) The operator shall be able to terminate the x-ray exposure at any time during a scan, or series of scans, of greater than 0.5 second duration.
- 2) Tomographic Plane Indication and Alignment
 - A) Means shall be provided to permit visual determination of the location of a reference plane. This reference plane can be offset from the location of the tomographic planes.
 - B) If a device using a light source is used to satisfy subsection (a)(2)(A) of this Section, the light source shall provide illumination levels sufficient to permit visual determination of the location of the tomographic plane or reference plane under ambient light conditions of up to 500 lux (45 footcandle).
 - C) The total error in the indicated location of the tomographic plane or reference plane shall not exceed 5 millimeters.
 - D) The deviation of indicated scan increment versus actual increment shall not exceed plus or minus 1 millimeter with a typical patient mass resting on the patient support device. The patient support device shall be moved incrementally from a typical starting position to the actual increment, at a distance of 30 centimeters whichever is less, and then returned to the starting position. If the CT system has the capability of variable gantry angles, the compliance measurements shall be performed with the CT gantry positioned at zero degrees.
- 3) Beam-On and Shutter Status Indicators. The CT x-ray control panel and gantry shall provide visual indication whenever x-rays are produced and, if applicable, whether the shutter is open or closed.
- 4) Technique Indicators. The CT x-ray control panel shall provide visual indication of the technique factors, tomographic section thickness and scan increment prior to the initiation of a scan or a series of scans.

b) Facility Design Requirements

- 1) The control panel shall be located behind a protective barrier.
- 2) Communication. Provision shall be made for two-way aural communication between the patient and the operator at the control panel.

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- 3) Viewing Systems. Windows, mirrors, closed-circuit television or an equivalent system shall be provided to permit continuous observation of the patient during irradiation and shall be located so that the operator can observe the patient from the control panel.
- c) Radiation dose measurements shall be performed by a diagnostic imaging specialist on each CT x-ray system. Such measurements shall be specified in terms of the multiple scan average dose (MSAD), using a head phantom and the facility's technique factors most frequently used for a CT examination of the head and shall be performed:
 - 1) At least annually the time-of-the-inspection-required pursuant to 32--xxx-Adm--Code-410-and-at-intervals-specified by a diagnostic imaging specialist and after any change or replacement of components which--in--the--option-of--the--diagnostic--imaging specialist could cause a change in the radiation output;
 - 2) With a dosimetry system that has been calibrated within the preceding 12 months. The calibration of such system shall have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology; and
 - 3) Using the computed tomography dose measurement protocol found in Section 360-Appd. 1, Part 1, of the Illinois Code.
- ADDITIONAL NOTE: The Department recognizes that other phantoms and protocols are available to provide accurate dose measurements as specified in this Section. The Department will consider use of such phantoms and protocols as satisfying this Section if the intent of the regulation is met.
- d) Quality assurance procedures shall be conducted on each CT system and shall meet the following requirements:
 - 1) The quality assurance procedures shall be in writing and shall have been developed by a diagnostic imaging specialist. Such procedures shall include, but need not be limited to, the following:
 - A) Specifications of the tests that are to be performed, including instructions to be employed in the performance of those tests; and
 - B) Specifications of the frequency at which tests are to be performed, the acceptable tolerance for each parameter measured, and actions to be taken if tolerances are exceeded.
 - 2) Quality assurance procedures shall include acquisition of images using a CT phantom which has the capability of providing an indication of the resolution capability of the system.

AGENCY NOTE: The CT phantom used for quality assurance procedures should have the capability of providing an indication of contrast scale, noise, nominal tomographic section thickness, resolution capability of the system for low and high contrast objects and relative densities (CT numbers) for water or other reference material.

- e) The--registrant--shall maintain at the facility written records of the

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radiation-dose-measurements-and-quality-assurance--testing--performed as-required-in-subsections-(c)-(and)-(d)-of-this-Section--for-inspection by--the-Department-for-a-period-of-at-least-one-inspection-cycle-(see 92-III-Adm-Code-419-60(d)).--Such-records-shall--include,--but--need not-be-limited-to-the-following:

- 1) The-date-of-the-test-and-identification-of-the-person-performing the-test;
- 2) Identification-of-the-type-of-testing-that-was-performed,--and
- 3) Notation-of-whether-the-results-of-the-testing--were--within--the parameters-established-by-the-diagnostic-imaging-specialist; AGENCY--NRRB--The-Department-recommends--that--the-registered technologists--retain--the--results--of--quality-assurance-testing--in-the-form-of photographic-copies-of-the-images-obtained-from-the-image-display device-or-images-stored-in-digital-form-on-a-storage-medium compatible-with-the-DR-x-ray-system--images-retained-to-f fulfill the-requirements-of-this-subsection-should-be-labeled-with-the information-required-in-subsections-(e)(1)-through-(3)-of-this Section;
- 4) Operating procedures. Information shall be available at the control panel regarding the operation of the system. Such information shall include written quality assurance procedures, as required in subsection (d)(1) of this Section.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 360 APPENDIX B Mammography Dose Measurement Protocol (Repealed)

The-technique-factors-used-for-performing-a-mammography-examination--shall--not permit--the--mean--glandular--absorbed--dose--to-exceed-the-limits-specified-in Section-360-71(k)-(1)-of-this-Part--Radiation-measurements--shall-be-performed-with an-integrating-radiation-measuring-device-that-is-appropriate-to-the-high-beam intensity--and--mammographic-kilovoltage-peak--(kVp)--used,--and--sufficiently sensitive-to-determine-compliance-with-the-criteria-specified-in-Section 360-71(k)-(2)-of-this-Part--The-instrument-shall-have-been-calibrated-within-the previous-12-months-with-devices-which-have-no-more-than-a-three-step-tertiary calibration-traceable-to-the-National-Institute-of-Standards-and-Technology;

The-mammography-exam-dose-limits-are-based-on-an-average-compressed--breast value-of--4.2--centimeters-having-an-average-density-(17:7-59-percent-adipose and-50-percent-glandular);

Perform-the-following-steps-to-determine-the-mean-glandular-dose-to-a-nominal 4.2-centimeter-compressed-breast:

- a) Measure-and-record-the--x-ray-system's-useful-beam-half-value-layer (HVL)--(see-Section-360-71(e)-of-this-Part);--Any-compression-device normally--in--the--useful--beam--during-mammography-procedures--shall-be required-to-be-placed-between-the--x-ray--tube--target--and--measuring device--when-determining-the-HVL--the-useful-beam-shall-be-collimated to-a-size-encompassing-the-detector;
- 1) Adapter-NRRB--filters-used-for-the-HVL-evaluation-should-be-placed-as close-to-the-target-as-practicable--the-HVL-for-screen-film-mammography with-not-exceeding-the-minimum-acceptable-HVL-by-more-than-0.1 millimeter-of-aluminum-equivalent-(see-Section-360-71(e)-of-this Part);--and
- 2) Re-measure-the-glandular-dose-to-entrance--exposure--factor--from-the Mammography--Base--Evaluation--Table--(see-Section-360-Table-A-of-this Part)--using-the-appropriate-HVLs--kVp--and--x-ray--tube--target-filter material;
- 3) AGENCY--NRRB--The--kVp--of--screen-film-mammography--systems--with molybdenum-target-filter-combinations-should-be-accurately-measured-to determine-the-appropriate-glandular-dose-to-entrance--exposure--factor from-Section-360-Table-A-of-this-Part;
- 4) If-the-equipment-has-the-capability-for-variable-source-image-receptor distance--set-the-cranio-caudal-source-image-receptor-distance-(SID) for-the-image-receptor-system-used;
- 5) Position-in-the-useful-beam-any-compression-apparatus-normally-used AGENCY--NRRB--Some-mammography--systems--have-the-capability--of providing-automatic-adjustment-of-technique-factors-through-feedback from-the-position-of-the-compression-device--On--such--systems--the compression-device-should-be-lowered-to-a-position-4.2-centimeters above-the-breast-support-assembly-(BSA)--the-device-should-then-be removed--inverted--and-replaced-to-allow-placement-of-the-phantom-and measuring-device-on-the-BGA-below-the-compression-device--If-the compression-device-cannot-be-replaced-in-an-inverted-position-the

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device should be placed in the beam using auxiliary support.

e) Placement of the Radiation-Measuring Device

- i) For systems equipped with automatic exposure control (AEC):
A) Place a properly loaded film cassette in the cassette holder.

AGENCY-NWIS: The loaded cassette is placed in the cassette holder to simulate, as much as is possible, the conditions under which actual patient exposures are made. Following radiation measurements, the film should be discarded and the cassette reloaded with unexposed film.

- B) Place a mammography phantom (see the definition for "mammography phantom" in Section 369.71(f) of this Part) on the breast support assembly (BSA). Align the phantom so that the edge of the phantom is aligned with the chest wall side of the BSA and the phantom is over the automatic exposure control device(s).

- C) Place a radiation measuring device in the useful beam so the center axis of the device is parallel to the breast support assembly (BSA). The geometric center of the measuring device shall be positioned 4.2 centimeters above the BSA; 2.5 centimeters from the chest wall edge of the BSA and immediately adjacent to either side of the mammography phantom.

- 2) For systems not equipped with AEC: Place a radiation measuring device in the useful beam so that the center axis of the device is parallel to the breast support assembly (BSA). The geometric center of the measuring device shall be positioned so that it is centered 4.2 centimeters above the BSA; 2.5 centimeters from the chest wall edge of the BSA and at the center line of the BSA (see Section 369.71(f)(2) of this Part). No part of the device's detector area shall be outside of the useful beam.

- f) Estimate the x-ray field to the size normally used and assure that the area covered by the useful beam includes the detector area of the radiation measuring device and the mammography phantom if the equipment is equipped with automatic exposure controls.

- g) Set the appropriate technique factors of automatic exposure controls normally used for a nominal 4.2 centimeter compressed breast.

- h) Measure and record the exposure in air with the radiation measuring device.

- i) Measure and record the time of the exposure required in subsection (h) of this Section. The time for the exposure shall be equal to or less than 2.5 seconds (see Section 369.71(f) of this Part).

- j) Calculate the mean glandular dose for a 4.2 centimeter compressed breast by multiplying the measured exposure in milliroentgens per kilogram or in roentgens by the glandular dose to entrance exposure factor, which was determined using the procedure described in subsection (b) of this Section.

Example: A mammography system is provided with a molybdenum

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target-filter combination and the HVLs and kVp are determined to be 0.3 and 30, respectively, therefore for a 4.2 centimeter compressed breast the glandular dose to entrance exposure factor from the Mammography Dose Evaluation Table (Section 369.71(a) of this Part) would be 159 mrad. The measured roentgen output determined in subsection (h) of this Section is determined to be 118 R. Therefore the mean glandular dose would be 118 R multiplied by 159 mrad/R. This results in a mean glandular dose measurement of 206 mrad. If the image receptor type used was screen film with grid, the system would be in compliance with Section 369.71(h)(2) of this Part.

(Source: Repealed at 23 Ill. Reg. _____, effective _____.)

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Section 360. APPENDIX C Mammography Phantom Image Evaluation (Repealed)

Mammography-phantom-image-evaluation--shall-be-performed-using-the-procedure below--The evaluation shall be performed monthly as a part of the quality assurance program and as part of the routine inspection required by 32 Ill. Adm. Code 410--The evaluation shall be performed with the mammography-phantom specified in Section 360.71(j)(3) of this Part:

- a) Equipment necessary for mammography-phantom-image evaluation includes a densitometer, the mammography phantom and mammographic cassette and film.
- b) Load film in the mammographic cassette according to the manufacturer's instructions.
- c) Place the properly loaded cassette in the cassette holder.
- d) Place the mammography phantom on the breast support assembly (BSA) so that the edge of the phantom is aligned with the chest wall side of the BSA--Align the phantom so that the masses in the phantom are nearest the chest wall edge of the BSA and the fibers in the phantom are away from the chest wall edge of the BSA--If the mammography machine has the capability of automatic exposure control, place the phantom so that the phantom covers the phototimer sensor.
- e) Position the compression device so that it is in contact with the phantom.
- f) Select the technique factors used most frequently in the clinical setting for a 4:3 centimeter compressed breast and make an exposure of the phantom.
- g) Process the film in the processor used for clinical mammography films.
- h) Examine the processed image for areas of non-uniformity of optical density and for the presence of artifacts due to dirty dusty grid lines or processing.
- AGENCY NOTE--If any of the problems noted above are evident on the processed image, the mammography machine film processor and film cassette(s) should be evaluated and the problem corrected--The phantom image evaluation should be repeated after the problem is corrected.

- i) Measure and record the optical density of the film near the center of the phantom image.

AGENCY NOTE--The optical density of the film should be between .1:10 and .1:50--If the density of the phantom image is not in this range the phantom image may not have enough contrast to visualize the objects necessary to determine compliance with the criteria of Section 360.71(j)(4) of this Part--Potential causes of film optical density problems include use of improper technique factors and either over processing or under processing the film.

- j) Examine the phantom image and count and record the number of masses visualized--Repeat this procedure for the speck groups and the fibria and record the number of objects visualized--There are a total of 16 imaging objects (5 masses, 3 speck groups and 6 fibria) in the phantom--Evaluation criteria for objects visualized in the

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phantom image are in Section 360.71(j)(4) of this Part--As a minimum the objects that must be visualized in the phantom image are:

- i) the masses that are 0.75 millimeter or larger (a total of 5 masses);

- 2) the speck groups that are 0.32 millimeter or larger (a total of 3 speck groups);

- 3) the fibria that are 0.75 millimeter or larger (a total of 4 fibria);

AGENCY NOTE--The phantom image should be compared with previous films including the original phantom image, to determine if subtle changes are occurring from month to month.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

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Section 360. ILLUSTRATION A Thimble and Pancake Chamber-Radiation Measuring Devices (Repealed)

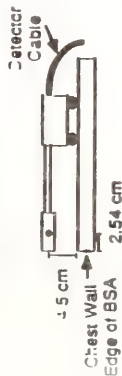
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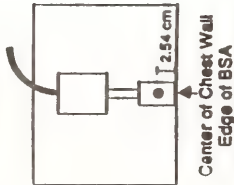
(Source: Repealed at 23 Ill. Reg. _____, effective _____)

THIMBLE CHAMBER

Side View of BSA



Overhead View of BSA

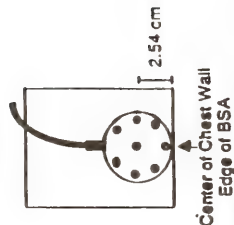


PANCAKE CHAMBER

Side View of BSA



Overhead View of BSA



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Section 360. TABLE A Mammography Dose Evaluation Table (Repealed)

This table is used to determine the mean glandular dose in milligrays delivered by 25-8-mG/kg (for millirad) delivered by 1-R-tin-air incident on a 4-2 centimeter thickness compressed breast of average density (50-percent adipose and 50-percent glandular tissue); values listed are for the first half-value layer (HVL) in millimeters of aluminum (mm Al) for x-ray tube target-filter combinations of molybdenum/molybdenum (Mo/Mo) and tungsten/aluminum (W/Al); linear extrapolation or interpolation shall be made for any HVLs not listed.

Mean Glandular Dose in milligrays for 25-8-mG/kg (for millirad) for 1-R Entrance Exposure for a 4-2 Centimeter Compressed Breast of Average Density

HVL (mm Al)	Machine Target Filter X-Ray Tube Voltage (kVp)														WAL Target- Filter Combination	
	21	24	25	26	27	28	29	30	31	32	33					
0.21																
0.24																
0.25																
0.26																
0.27																
0.28																
0.29																
0.30																
0.31																
0.32																
0.33																
0.34																
0.35																
0.36																
0.37																
0.38																
0.39																
0.40																

AGBNV--NGVE--Adapted--from--Mammography--Quality--Control--Manual--Medicat
Physicist's Section, Revised Edition, 1994.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
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DEPARTMENT OF PUBLIC AID
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- 1) **Heading of the Part:** Medical Payment
- 2) **Code Citation:** 89 Ill. Adm. Code 140
- 3) **Section Numbers:** Proposed Action:
140.481 Amendment
140.497 Amendment
- 4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments to the Department's rules concerning medical payment provide changes to create a uniform reimbursement methodology for calculating maximum allowable rates for durable medical equipment, medical supplies, prosthetic devices and hearing aids. Currently, rates for such items are calculated according to separate methodologies. The Department has conducted a pricing study, including a comparison review relative to Medicare pricing guidelines, in order to update reimbursement levels and provide rate consistency. Since these proposed changes pertain to services already covered by the Department, any budgetary impact is expected to be minimal.
- 6) **Will these proposed amendments replace emergency amendments currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Do these proposed amendments contain incorporations by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** Yes

Sections	Proposed Action	Illinois Register Citation
140.3 Amendment		June 25, 1999 (23 Ill. Reg. 7198)
140.5 Amendment		June 25, 1999 (23 Ill. Reg. 7198)
140.24 Amendment		July 15, 1999 (23 Ill. Reg. 8603)
140.420 Amendment		June 25, 1999 (23 Ill. Reg. 7198)
140.421 Amendment		June 25, 1999 (23 Ill. Reg. 7198)
140.461 Amendment		January 4, 1999 (23 Ill. Reg. 128)
140.462 Amendment		January 4, 1999 (23 Ill. Reg. 128)

- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

- 11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

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must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules
Illinois Department of Public Aid
201 South Grand Ave., E., Third Floor
Springfield, Illinois 62763-0002

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** Providers of durable medical equipment, medical supplies, prosthetic devices and hearing aids.

B) **Reporting, bookkeeping or other procedures required for compliance:** None

C) **Types of professional skills necessary for compliance:** None

- 13) **Regulatory Agenda on Which this Rulemaking was Summarized:** These rules were not included on either of the two most recent agendas because: This rulemaking was not anticipated when the most recent regulatory agendas were published.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 0: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

Assignment of Vendor Payments
Record Requirements for Medical Providers
Audits
Emergency Services Audits
Prohibition on Participation, and Special Permission for Participation
Publication of List of Terminated, Suspended or Barred Entities
False Reporting and Other Fraudulent Activities
Prior Approval for Medical Services or Items
Prior Approval in Cases of Emergency
Limitation on Prior Approval
Post Approval for Items or Services When Prior Approval Cannot Be Obtained
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SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)

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140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Recodified)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Recodified)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.393	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Hearings (Recodified)
140.398	

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered by Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
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140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
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140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
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140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
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140.482 Family Planning Services
140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
140.486 Limitations on Medicare Services (Repealed)
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
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SUBPART E: GROUP CARE

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140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Continuation of Payment Because of Threat To Life (Repealed)
140.506 Provider Voluntary Withdrawal
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140.511 Long Term Care Services Covered by Department Payment
140.512 Utilization Control
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140.514 Certifications and Recertifications of Care
140.515 Management of Recipient Funds--Personal Allowance Funds
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140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds--Local Office Responsibility
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140.522 Reconciliation of Recipient Funds
140.523 Bed Reserves
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140.525 Quality Incentive Program (QUIP) Payment Levels
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140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)
140.529 Reviews (Repealed)
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140.531 General Service Costs
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140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
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140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
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140.543 Time Standards for Filing Cost Reports
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140.545 Penalty for Failure to File Cost Reports
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140.555 Minimum Wage
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140.580 Mandated Capital Improvements (Repealed)

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140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
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140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.660	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.875	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
140.901	Functional Areas of Needs (Repealed)
140.902	Service Needs (Repealed)
140.903	Definitions (Repealed)
140.904	Times and Staff Levels (Repealed)

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140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Repealed)
140.907	Midnight Census Report (Repealed)
140.908	Times and Staff Levels (Repealed)
140.909	Statewide Rates (Repealed)
140.910	Referrals (Repealed)
140.911	Basic Rehabilitation Aide Training Program (Repealed)
140.912	Interim Nursing Rates (Repealed)
Section	SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Repealed)
140.942	Definition of Terms (Repealed)
140.944	Notification of Negotiations (Repealed)
140.946	Hospital Participation in ICARE Program Negotiations (Repealed)
140.948	Negotiation Procedures (Repealed)
140.950	Factors Considered in Awarding ICARE Contracts (Repealed)
140.952	Closing an ICARE Area (Repealed)
140.954	Administrative Review (Repealed)
140.956	Payments to Contracting Hospitals (Repealed)
140.958	Admitting and Clinical Privileges (Repealed)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Repealed)
140.964	Contract Monitoring (Repealed)
140.966	Transfer of Recipients (Repealed)
140.968	Validity of Contracts (Repealed)
140.970	Termination of ICARE Contracts (Repealed)
140.972	Hospital Services Procurement Advisory Board (Repealed)
TABLE A	Medicheck Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas
TABLE C	Capital Cost Areas

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Schedule of Dental Procedures

TABLE D Time Limits for Processing of Prior Approval Requests

TABLE E Podiatry Service Schedule

TABLE F Travel Distance Standards

TABLE G Areas of Major Life Activity

TABLE H Staff Time and Allocation for Training Programs (Recodified)

TABLE I HSA Grouping (Repealed)

TABLE J Services Qualifying for LOR Add-On (Repealed)

TABLE K Services Qualifying for LOR Add-On to Surgical Incentive Add-On

TABLE L (Repealed)

TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (20 ICS 2215/Art. III) and implementing and authorized by Articles III, IV, V and Section 12-13 of the Illinois Public Aid Code (305 ICS 5/Arts. III, IV, V, VI and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6963, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140-72 and 140-73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21627, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21679, effective October 24, 1984; amended at 8 Ill. Reg. 22155, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days;

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amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 13, 1985; amended at 9 Ill. Reg. 19136, effective December 4, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective January 27, 1986; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140-71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4307; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140-900 thru 140-912 and 140-Table H and 140-Table I recodified to 89 Ill. Adm. Code 147-5 thru 147-205 and 147-Table A and 147-Table B at 12

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111. Reg. 6956; amended at 12 111. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 111. Adm. Code 149.5 thru 149.325 at 12 111. Reg. 7401; amended at 12 111. Reg. 7695, effective April 21, 1988; amended at 12 111. Reg. 10497, effective June 3, 1988; amended at 12 111. Reg. 10717, effective June 14, 1988; emergency amendment at 12 111. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 111. Reg. 12509, effective July 15, 1988; amended at 12 111. Reg. 14271, effective August 29, 1988; emergency amendment at 12 111. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 111. Reg. 16738, effective October 5, 1988; amended at 12 111. Reg. 17879, effective October 24, 1988; amended at 12 111. Reg. 18196, effective November 4, 1988; amended at 12 111. Reg. 19396, effective November 6, 1988; amended at 12 111. Reg. 19734, effective November 15, 1988; amended at 13 111. Reg. 128, effective January 1, 1989; amended at 13 111. Reg. 2475, effective February 14, 1989; amended at 13 111. Reg. 3069, effective February 28, 1989; amended at 13 111. Reg. 3351, effective March 6, 1989; amended at 13 111. Reg. 3917, effective March 17, 1989; amended at 13 111. Reg. 5115, effective April 3, 1989; amended at 13 111. Reg. 5718, effective April 10, 1989; amended at 13 111. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 111. Adm. Code 146.5 thru 146.225 at 13 111. Reg. 70407; amended at 13 111. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 reclassified to 89 111. Adm. Code 148.10 thru 148.390 at 13 111. Reg. 9572; emergency amendment at 13 111. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 111. Reg. 11516, effective July 3, 1989; amended at 13 111. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 111. Adm. Code 148.120 at 13 111. Reg. 12118; amended at 13 111. Reg. 12562, effective July 17, 1989; amended at 13 111. Reg. 14391, effective August 31, 1989; emergency amendment at 13 111. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 111. Reg. 16992, effective October 16, 1989; amended at 14 111. Reg. 190, effective December 21, 1989; amended at 14 111. Reg. 2564, effective February 9, 1990; emergency amendment at 14 111. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 111. Reg. 4543, effective March 12, 1990; emergency amendment at 14 111. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 111. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 111. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 111. Reg. 7249, effective April 27, 1990; emergency amendment at 14 111. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 111. Reg. 10062, effective June 12, 1990; amended at 14 111. Reg. 10409, effective June 19, 1990; emergency amendment at 14 111. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 111. Reg. 13262, effective August 6, 1990; emergency amendment at 14 111. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 111. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 111. Reg. 14826, effective August 31, 1990; amended at 14 111. Reg. 15366, effective September 12, 1990; amended at 14 111. Reg. 15981, effective September 21, 1990; amended

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at 14 111. Reg. 17279, effective October 12, 1990; amended at 14 111. Reg. 18057, effective October 22, 1990; amended at 14 111. Reg. 18508, effective October 30, 1990; amended at 14 111. Reg. 18813, effective November 6, 1990; amended at 14 111. Reg. 20478, effective December 7, 1990; amended at 14 111. Reg. 20729, effective December 12, 1990; amended at 15 111. Reg. 298, effective December 28, 1990; emergency amendment at 15 111. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 111. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 111. Reg. 1174; amended at 15 111. Reg. 6220, effective April 18, 1991; amended at 15 111. Reg. 6534, effective April 30, 1991; amended at 15 111. Reg. 8264, effective May 23, 1991; amended at 15 111. Reg. 8972, effective June 17, 1991; amended at 15 111. Reg. 10114, effective June 21, 1991; amended at 15 111. Reg. 10468, effective July 1, 1991; amended at 15 111. Reg. 11176, effective August 1, 1991; emergency amendment at 15 111. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 111. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 111. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 111. Reg. 17318, effective November 16, 1991; amended at 15 111. Reg. 17733, effective November 22, 1991; emergency amendment at 16 111. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 111. Reg. 174, effective December 24, 1991; amended at 16 111. Reg. 1877, effective January 24, 1992; amended at 16 111. Reg. 3552, effective February 28, 1992; amended at 16 111. Reg. 6408, effective March 20, 1992; amended at 16 111. Reg. 6849, effective April 7, 1992; amended at 16 111. Reg. 7017, effective April 17, 1992; amended at 16 111. Reg. 10050, effective June 5, 1992; amended at 16 111. Reg. 11174, effective June 26, 1992; expedited correction at 16 111. Reg. 11348, effective March 20, 1992; emergency amendment at 16 111. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 111. Reg. 12186, effective July 24, 1992; emergency amendment at 16 111. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 111. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 111. Reg. 15561, effective September 30, 1992; amended at 16 111. Reg. 17302, effective November 2, 1992; emergency amendment at 16 111. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 111. Reg. 19146, effective December 1, 1992; amended at 16 111. Reg. 19879, effective December 7, 1992; amended at 17 111. Reg. 837, effective January 11, 1993; amended at 17 111. Reg. 1112, effective January 15, 1993; amended at 17 111. Reg. 2290, effective February 15, 1993; amended at 17 111. Reg. 2951, effective February 17, 1993; amended at 17 111. Reg. 3421, effective February 19, 1993; amended at 17 111. Reg. 6196, effective April 5, 1993; amended at 17 111. Reg. 6839, effective April 21, 1993; amended at 17 111. Reg. 7004, effective May 17, 1993; expedited correction at 17 111. Reg. 7078, effective December 1, 1992; emergency amendment at 17 111. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 111. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 111. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 111. Reg. 18571, effective October 8, 1993;

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emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1092, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 3683, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 21 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 21108, effective December 1, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective

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July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. _____, effective _____.

Section 140.481 Payment for Medical Equipment, Supplies, and Prosthetic Devices and Hearing Aids

a) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as wheelchairs, hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department acquisition-cost. The maximum allowable rate established by the Department initial-acquisition-cost for each item of medical equipment is to be based on pricing for widely accepted quality items. The Department shall review and update the maximum allowable rate at least annually. The Department's most recent price categories for widely accepted quality items. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide. After the initial acquisition-cost for each item of medical equipment is determined, as specified above, the Department shall review the most current categories from which the initial price was taken and update the acquisition-costs at least annually. The maximum allowable rate established for each item or service shall be the least of:

- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists;
- 2) Whenever available, the wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
- 3) Whenever available, the Medicare allowable rate.

b) Medical supplies are medical items which are not durable or reusable such as surgical dressings, disposable syringes, catheters, urinary bags, etc. Payment is made for medical supplies in made for covered items at the lesser of the provider's charge or the maximum allowable rate established by the Department acquisition-cost. The maximum allowable rate for each item of medical supplies shall be based on pricing for widely accepted quality items as defined in subsection (a) of this Section. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:

- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists. The acquisition cost is the suggested retail price (as determined below) whenever available, or manufacturer's price plus 50 percent as derived from the most widely distributed catalog available;
- 2) Whenever available, the wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or the suggested retail price is determined

DEPARTMENT OF PUBLIC AID

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as follows:

- A) the median suggested retail price for each medical supply item as is derived from all available medical supply catalogues; and
- B) the catalog that contains 60 percent or more of the median prices is chosen to determine the suggested retail price of all medical supply items.
- 3) Whenever available, the Medicare allowable rate. Acquisition costs will be reviewed and updated for price changes at least annually.
- c) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body. Payment for prosthetic and orthotic devices is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department acquisition cost. The maximum allowable rate for each item of prosthetic and orthotic devices shall be based on pricing for widely accepted quality items as defined in subsection (a) of this Section. The acquisition cost is determined by taking the average of the prices for each prosthetic device from all available prosthetic device catalogues after deleting the high and low prices. Acquisition costs will be reviewed and updated for price changes at least annually. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
 - 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists;
 - 2) Whenever available, the wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) Whenever possible, the Medicare allowable rate.
- d) Payment for hearing aids shall be made to allow dispensing of hearing aids for specific needs. The hearing aid shall be priced by the Department at the vendor's actual acquisition cost, without exceeding the Department's upper limits of reimbursement for the item. Acquisition cost is defined as the actual amount the supplying provider pays for the hearing aid(s). Any discounts, rebates or bonuses shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated on all purchases for which the rebate or bonus was earned. The prorated share shall be subtracted when calculating the acquisition cost of the item. Verification of the vendor's acquisition cost must be attached to the request for reimbursement. Payment for a dispensing fee shall include reimbursement for fitting, follow-up visits, shipping and retail mark-up. The Department shall review and update the maximum allowable rate at least annually.

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- 1) To establish the maximum limit for the acquisition cost of the hearing aid, the Department shall review wholesale prices from available supply catalogs and provider price lists for the most widely accepted brands and types of technology.
 - 2) To establish the maximum allowable rate for the dispensing fee, the Department shall use an average of available rates charged by audiologists for three hearing aid follow-up visits, not to exceed the Department's maximum allowable rate for a physician visit of low complexity for an established patient, plus the average of available shipping fees charged by the wholesaler for hearing aid shipping and an amount for the retail markup determined by taking 50 percent of the average wholesale price of the hearing aids reviewed.
- (Source: Amended at 23 Ill. Reg. _____, effective _____)
- ### Section 140.497 Hearing Aids
- a) Hearing aids are reimbursed in accordance with Section 140.491(d) Monaural hearing aids do not require prior approval and will be reimbursed at the actual acquisition cost of the aid plus an established professional dispensing fee. The actual acquisition cost is the actual payment by a supplier for the hearing aid, taking into account any discount, rebates and bonuses. The full amount of the discount shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated to all purchases on which the rebate for bonus was earned. The pro-rata share shall be subtracted when calculating the acquisition cost of the hearing aid.
 - b) In order to be eligible for reimbursement from the Department for monaural hearing aids, the following criteria must be met:
 - 1) The hearing loss must be 20 decibels or greater at any two of the following frequencies: 500, 1000, 2000, 4000, 8000 Hertz; or
 - 2) The hearing loss must be 25 decibels or greater at any one of 500, 1000, 2000 Hertz.
 - 2) When testing is performed in other than an acoustically treated treat sound suite:
 - A) The hearing loss must be 30 decibels or greater at any two of the following frequencies: 500, 1000, 2000, 4000, 8000 Hertz; or
 - B) The hearing loss must be 35 decibels or greater at any one of 500, 1000, 2000 Hertz.
 - c) The following items are to be kept in the patient's file:
 - 1) M.D. or Otolaryngologist clearance
 - 2) Audiogram

DEPARTMENT OF PUBLIC AID
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- 3) Hearing Aid Evaluation Results
- 4) Case history and identifying information
- 5) Copy of Manufacturer's invoice with patient's name and hearing aid serial number.
- 6) Copy of Manufacturer's invoice for ear mold, if applicable.
- d) Binaural hearing aids require prior approval (see Sections 140.40 through 140.42). Binaural hearing aids shall be reimbursed at the actual acquisition cost of the aids plus an established professional dispensing fee.
- e) Payment for all hearing aids is contingent upon providers fitting and dispensing hearing aids in accordance with the requirements set forth in the Hearing Instrument Aid Consumer Protection Act [225 ILCS 50] (111 Rev Stat 1987-CH 111, par. 7401-et-seq) and implementing Public Health regulations.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: Proposed Action:
110.155 Amendment
- 4) Statutory Authority: 35 ILCS 200
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Revenue has previously promulgated a rule that provides guidance to parties interested in the educational requirements for Board of Review members in non-commission counties under Section 110.155. Public Act 90-552, which took effect on January 1, 1999, amended Article 6 of the Property Tax Code. It imposed new educational requirements for Board of Review members in commission counties. This amendment is necessary to update Section 110.155.
- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jerry Lanter
Counsel for Property Tax
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-5996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment is identical to the text of the Emergency amendment which appears in this issue of the Illinois Register on page **9911**

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Animal Disease Laboratories Act2) Code Citation: 8 Ill. Adm. Code 1103) Section Numbers: Adopted Action:
110.120 Amended4) Statutory Authority: Implementing and authorized by the Animal Disease Laboratories Act (510 ILCS 10)5) Effective Date of Amendments: 8/9/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 318110) Has JCAR issued a Statement of Objections to this amendment? No11) Difference between proposal and final version: The name of this Part is amended.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendment: A charge for shipping pullorum antigen of \$2.00 per milliliter is added to Section 110.120. This antigen is required for testing poultry in the field for pullorum typhoid. The Department receives 5-10 requests per year for the antigen, usually in requests for 5 ml. Private industry does not sell the antigen in this small of quantity, so the Department is splitting bottles of the antigen to keep down the cost to poultry testers.16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS
TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DISEASE LABORATORIES DIAGNOSTIC LABORATORY ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective AUG 09 1999.

Section 110.120 Miscellaneous Fees

- a) Swine health checks at slaughter facilities:
Market swine health check per head with a minimum
of 10 head 5.00
(Contact the Galesburg laboratory for information)

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS
Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

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- b) Water potability test (Coliform and Enterococcus—
Millipore Method and Nitrates)..... 8.00 C
c) Return of shipping container..... current postal rate C, G, S
d) Field trip by Department laboratory personnel to take
specimens..... 50.00 C, G
e) Cremation (Under 50 pounds).....50.00 G
50 pounds and above, each additional pound..... 1.00 G
f) Handling fee for sending specimens to
out-of-state laboratories..... 5.00 C, G, S
g) Lysine..... 40.00 C
h) Amino acids.....100.00 C
i) Trihalomethanes (THM's)..... 75.00 C
j) Volatile Organic Compounds.....300.00 C
k) Disposal Fee: (when lab tests have not been
conducted, a disposal fee will be charged
in addition to any cremation costs)
Under 50 pounds..... 5.00 C, G, S
50 pounds to 100 pounds..... 10.00 C, G, S
Over 100 pounds..... 15.00 C, G, S
l) Overnight shipping.....current postal rate C, G, S
m) Shipping containers.....current market price C, G, S
n) Pullorum antigen per ml..... 2.00 S

(Source: Amended at 23 Ill. Reg. 9754, effective
AUG 09 1999)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Animal Welfare Act
2) Code Citation: 8 Ill. Adm. Code 25
3) Section Numbers: Adopted Action:
25.20 Amended
25.30 Amended
25.50 Amended
25.110 Amended
4) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois
Diseased Animals Act [510 ILCS 50]
5) Effective Date of Amendments: August 9, 1999
6) Does this rulemaking contain an automatic repeal date? No
7) Does this amendment contain incorporations by reference? Yes
8) A copy of the adopted amendment, including any material incorporated by
reference, is on file in the agency's principal office and is available
for public inspection.
9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23
Ill. Reg. 3185
10) Has JCAR issued a Statement of Objections to this amendment? No
11) Difference between proposal and final version: The following corrections
to the CFR citations in Section 25.50(a) and (b) were made: 9 CFR 3.11 -
3.17 was corrected to 9 CFR 3.13-3.19.
12) Have all the changes agreed upon by the agency and JCAR been made as
indicated in the agreements issued by JCAR? Yes
13) Will this amendment replace an emergency amendment currently in effect? No
14) Are there any amendments pending on this Part? No
15) Summary and Purpose of Amendment: The Department is updating the CFR
citations to the 1999 edition of the Code of Federal Regulations in
Sections 25.20, 25.30, 25.50, and 25.110.
16) Information and questions regarding this adopted amendment shall be
directed to:

Linda Rhodes
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE

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State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

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CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 25
ANIMAL WELFARE ACT

Section

25.10	Definitions
25.15	Incorporations By Reference
25.20	Buildings and Premises
25.30	General Care of Animals
25.40	Dogs Brought into Illinois
25.50	Shipment of Mammals and Birds
25.60	Health of Animals at Time of Release
25.70	Department May Restrict The Sale of Animals
25.80	Quarantine
25.90	Records
25.100	Consent Statement and Inspection
25.110	Animals Prohibited from Sale
25.115	Guard and Sentry Dogs
25.120	Boarding and Training
25.130	Animal Control Facilities and Animal Shelters
25.140	Foster Homes

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 14898, effective September 26, 1994; amended at 20 Ill. Reg. 265, effective January 1, 1996; amended at 23 Ill. Reg. 9758, effective April 9, 1999.

Section 25.20 Buildings and Premises

- a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:
- 1) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.
 - 2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and rules enacted pursuant to that law [8 Ill. Adm. Code 85]. Compliance with this State Law

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- shall not exempt licensee from compliance with local ordinances.
- 3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
 - 4) Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment, and utensils.
 - 5) Provide hand washing facilities.
 - b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for separation of diseased animals to avoid exposure to healthy and salable animals.
 - c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
 - d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
 - 1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.
 - 2) All empty cages shall be kept clean at all times.
 - 3) Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie, and offer freedom of movement.
 - 4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; 1999 1995) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.
 - e) Runs shall be constructed of material of sufficient strength and design to confine the animal(s).
 - 1) They shall be kept in good repair and condition.
 - 2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.
 - 3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
 - 4) Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.
 - f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2 1/2 times the body volume of living creatures contained therein.
 - g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female dog or cat in estrus shall be placed in a pen with male animals, except for breeding purposes.

(Source: Amended at 23 Ill. Reg. 9758, effective Aug 09, 1999)

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Section 25.30 General Care of Animals

- a) All persons or establishments licensed under this Act shall comply with all Sections of the Humane Care for Animals Act (510 ILCS 70).
- b) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5 - 3.7; 1999 1995). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.
- c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.
- d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthy condition. Any dead fish shall be removed from aquariums.
- e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

(Source: Amended at 23 Ill. Reg. 0758, effective Aug 09, 1999)

Section 25.50 Shipment of Mammals and Birds

- a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:
 - 1) Have a solid floor which may have a false bottom above it.
 - 2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19 3-ii---3-ii; 1999 1995) as to provide maximum safety for the particular animal or animals being transported.
 - 3) Have openings on 2 sides and the top to assure adequate ventilation.
- b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19 3-ii---3-ii; 1999 1995). When the temperature is over 85° F., increased space shall be provided within reason.
- c) The crates shall be cleaned before use for each trip.
- d) Food and water containers shall be cleaned and sanitized before each trip.
- e) If bedding is used it shall be clean, dry, and relatively dust-free.
- f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.
- g) The person or persons responsible for the welfare of the animal or animals while in transit shall:
 - 1) Offer the animals food at least once each 24 hours, except that

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newly weaned young shall be offered suitable food at 4-hour intervals.

- 2) Offer all animals water at 12-hour intervals at least, except that water shall be offered at 4-hour intervals when the temperature reaches 90° F.
- 3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.
- 4) Inspect each animal at 4-hour intervals, or oftener.
- b) No female obviously near parturition shall be transported.
- i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended at 23 Ill. Reg. AUG 09 1999, effective 9758.)

Section 25.110 Animals Prohibited from Sale

- a) Licensees shall not offer skunks for sale as pets as prescribed in Section 3-25 of the Wildlife Code (520 ILCS 5/3.25).
- b) Licensees shall not offer for sale those animals the ownership of which would constitute a violation of Section 1 of the Illinois Dangerous Animals Act (720 ILCS 585/1). These include the following animals: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, bear, wolf or coyote, or any poisonous or life-threatening reptile. A life-threatening reptile is any member of the crocodilian family or any constricting snake six feet or over in length, such as boa, python, and anaconda.
- c) Licensees shall not possess or offer for sale turtle or viable turtle eggs which would constitute a violation of Section 264 of the Public Health Service Act (42 USC 4852e-4; 2647-1999), the rules for that Act (21 CFR 1240.62; 1999 1995) and Section 3372 of the Lacey Act (16 USC 666-67A- 3372--1995).

(Source: Amended at 23 Ill. Reg. AUG 09 1999, effective 9758.)

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- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3) Section Numbers: Adopted Action:
75-5 Amended
75-10 Amended
75-120 Amended
75-190 Amended
75-200 Amended
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]
- 5) Effective Date of Amendments: August 9, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3191
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Department is updating the CFR incorporations to the 1999 edition of the Code of Federal Regulations in Sections 75.5, 75.10, and 75.120. The latest version of the Brucellosis Eradication: Uniform Methods and Rules, effective February 1, 1998, is adopted in Sections 75.10, 75.120, 75.190 and 75.200.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

Linda Rhodes
Illinois Department of Agriculture
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Springfield, IL 62794-9281
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The full text of adopted amendments begins on the next page:

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PART 75
BOVINE BRUCELLOSIS

Section	75.5	Definitions	
	75.5	Incorporation by Reference	
	75.7	Official Classification of the Results of the Brucellosis Blood Test	
	75.10	Permits to Conduct Official Brucellosis Tests	
	75.15	Reports Required	
	75.30	Tests Conducted at State Expense or for Interstate or Export Shipment	
	75.40	Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)	
	75.50	Indemnity	
	75.60	Identification of Cattle or Bison	
	75.70	Herds Revealing Reactors	
	75.80	Sale of Suspects and Negative Animals From Quarantined Herds	
	75.90	Release of Herds or Cattle or Bison Under Quarantine	
	75.100	Herds Revealing Suspects Only	
	75.110	Identification Tags	
	75.120	Requirements for Establishing and Maintaining Brucellosis-Free Herds of Cattle or Bison	Certified
	75.130	Feeding or Grazing Cattle	
	75.140	Sale of Quarantined Feeding or Grazing Cattle	
	75.150	Cattle or Bison for Immediate Slaughter	
	75.160	Female Cattle--Beef Breeds--18 Months and Over	
	75.170	Release of Feeding or Grazing Cattle from Quarantine	
	75.180	Dairy or Breeding Cattle or Bison	
	75.190	Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States	
	75.200	Slaughter Cattle and Bison from Class B or Class C States	
	75.210	Official Calfhood Vaccination	
	75.220	Recognition of Brucellosis State Status	
TABLE A		Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)	
TABLE B		Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)	

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1977, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed

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August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, P. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, P. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 23 Ill. Reg. 397, effective January 1, 1999; amended at 23 Ill. Reg. 9764, effective AUG 09 1999.

Section 75.5 Definitions

The definitions for this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 301].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recognized by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1999 1998).

(Source: Amended at 23 Ill. Reg. 9764, effective AUG 09 1999)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 ~~May-67-1992--as amended-February-27-1993--and-June-16-1994~~), and the United States Department of Agriculture and/or 9 CFR 78.1 (1999 1998).

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b) The card (Buffered Brucella Antigen) test and Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.

c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 23 Ill. Reg. 9764, effective AUG 09 1999)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 ~~May-67-1992--as amended-February-27-1993--and-June-16-1994~~), and the United States Department of Agriculture and/or 9 CFR 78.1 (1999 1998).

(Source: Amended at 23 Ill. Reg. 9764, effective AUG 09 1999)

Section 75.190 Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States

a) In addition to other entry requirements, a prior permit must be obtained for dairy, feeding or breeding cattle or bison, except those consigned direct to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the U.S. Department of Agriculture (February 1, 1998 ~~May-67-1992--as amended-February-27-1993--and-June-16-1994~~). Such prior permits shall be obtained by contacting the Bureau of Animal Health, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and shipment is necessary for obtaining a permit.

b) Breeding cattle or bison 12 months of age or over from such states shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle or bison originating from certified brucellosis-free herds are

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exempt from this provision.

- c) All female cattle or bison born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on either or both jaws or either hip using the letter F of not less than three inches in height.
- d) Female cattle or bison, except those consigned directly to slaughter, entering Illinois from Class C states shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either or both jaws or on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation.

- e) Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:

- 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
- 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official ear tags. The ear tag numbers shall be recorded on the Certificate.

(Source: Amended at 23 Ill. Reg. 9764, effective April 9, 1999)

Section 75-200 Slaughter Cattle and Bison from Class B or Class C States

- a) Prior to movement for slaughter, all test-eligible cattle or bison of unknown status originating in Class B or Class C states in accordance with the Brucellosis Eradication Uniform Methods and Rules (February 1, 1998 May-67-1997; as amended-February-77-1993-and-June-367-1994; as recommended and approved by the United States Animal Health Association (P.O. Box 4227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the United States Department of Agriculture) shall:

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- 1) Be subjected to an official test for brucellosis within 60 days prior to movement from the farm of origin, OR
 - 2) Be subjected to an official test for brucellosis at the market or stockyards (first point testing), OR
 - 3) Be permanently identified with a hot iron "S" brand on the left hip and be accompanied to slaughter by USDA Form VS 1-27, OR
 - 4) Be accompanied by USDA Form VS 1-27 and moved direct to slaughter in sealed trucks and/or compartments, with no intermediate stops.
- b) For the purpose of this Section, "test-eligible" cattle or bison means all cattle 18 months of age or over, except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds and bison and 20 months of age for dairy breeds. Finished fat heifers moving in marketing channels direct to slaughter will not be considered as test-eligible cattle or bison.

(Source: Amended at 23 Ill. Reg. 9764, effective April 9, 1999)

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- 1) Heading of the Part: Horsemeat
- 2) Code Citation: 8 Ill. Adm. Code 70
- 3) Section Numbers: Adopted Action:
70.80
Amended
- 4) Statutory Authority: Illinois Horse Meat Act [225 ILCS 635]
- 5) Effective Date of Amendment: 8/9/99
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3220
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Department is updating the CFR citation to the 1999 edition of the Code of Federal Regulations in Section 70.80.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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PART 70
HORSEMEAT

Section	
70.10	Enforcement
70.20	Consent Statement
70.30	Types of License
70.40	Breeders and Raisers of Fur-Bearing Animals
70.50	Processor's License
70.60	Retail Sale (Repealed)
70.70	Interstate Sale
70.80	Identification by Roller Stamp
70.90	Denaturing
70.100	Chilling
70.110	Marking Vehicles Used in Distribution
70.120	Special Permits (Repealed)
70.130	Sanitary Requirements
70.140	Records and Inventory
70.150	Samples
70.160	Transportation and Transactions

AUTHORITY: Implementing and authorized by the Illinois Horse Meat Act [225 ILCS 635].

SOURCE: Rules and Regulations Relating to the Slaughtering and Butchering of Equine Animals and the Sale and Distribution of the Meat Therefrom, filed April 27, 1970, effective May 7, 1970; codified at 5 Ill. Reg. 10451; amended 7 Ill. Reg. 859, effective January 10, 1983; amended at 18 Ill. Reg. 14906, effective September 26, 1994; amended at 23 Ill. Reg. 9771, effective Aug 09 1999.

Section 70.80 Identification by Roller Stamp

When an animal is slaughtered the entire carcass must be identified as HORSE MEAT, immediately after the hide has been removed, by means of a roller stamp using green ink. It shall be stamped so that no surface of 6 square inches or more of the carcass shall be without the stamp HORSE MEAT to identify it as such. This rule does not apply to a breeder or raiser of fur-bearing animals who may hand-stamp the carcasses. This rule does not apply to whole, half, or quarter carcasses of horse meat slaughtered in a federally inspected plant under supervision of the U.S. Department of Agriculture (U.S.D.A.) and stamped by the U.S.D.A. in accord with the Federal regulations (9 CFR 312.3; 1999 [1994]).

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(Source: Amended at 23 Ill. Reg. 9771, effective Aug 09 1999)

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1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act

2) Code Citation: 8 Ill. Adm. Code 80

3) Section Numbers: Adopted Action:
80.130 Amended

4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

5) Effective Date of Amendments: August 9, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3224

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Difference between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The Department is updating the CFR incorporation to the 1999 edition of the *Code of Federal Regulations* in Section 80.130.

16) Information and questions regarding this adopted amendment shall be directed to:

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PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.10	
80.20	When Indemnity Will Be Paid on Tests
80.30	Herds Quarantined Because of Suspected Tuberculosis Infection
80.40	Identification Tags Not To Be Removed
80.50	Infected Herd Depopulation (Repealed)
80.60	Cattle for Immediate Slaughter (Repealed)
80.70	Feeding or Grazing Cattle (Repealed)
80.80	Female Cattle--Beef Breeds--18 Months and Over (Repealed)
80.90	Release of Quarantined Feeding or Grazing Cattle (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Dairy or Beef Cattle, Bison or Steers
80.120	Tuberculin Tests
80.130	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140	Cervidae

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. 9775, effective Aug. 09 1999.

Section 80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds

- a) General Requirements
- 1) Accredited tuberculosis-free herd certificates, which shall be

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- valid for one year, unless revoked in accordance with the procedures outlined in the Bovine Tuberculosis Eradication Uniform Methods and Rules, effective June 1997, Part III B, Accredited Herd Plan for Dairy Goats (9 CFR 77.1, 1999 1999), shall be issued by the Department. This incorporation by reference does not include any future editions or amendments beyond the date specified.
- 2) Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
 - 3) A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
 - 4) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.
 - 5) All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.
 - b) To Qualify for Accreditation
 - 1) Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
 - 2) If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Department by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative cervical test to retest the animal within 10 days after the original injection. If the animal is identified as a reactor as a result of the comparative cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of reactor animals, and conduct additional tests on members of the herd.
 - c) To Qualify for Reaccreditation
 - 1) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Department shall extend accreditation for 12 months from the anniversary date.
 - 2) If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
 - 3) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
 - 4) If a reaction to the tuberculin test is disclosed at the time of

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the reaccreditation test, the procedure outlined in subsection (b)(2) of this Section shall be followed.

- d) Additions to Accredited Tuberculosis-Free Herds
- 1) Animals originating from other accredited herds may be added without tests.
 - 2) Animals originating from herds not accredited may be added, provided they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.
 - 3) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

(Source: Amended at 23 Ill. Reg. 9775, effective Aug. 09, 1999)

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- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Numbers: Amended
40.60 Amended
40.120
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23]
- 5) Effective Date of Amendments: August 9, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3229
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 40.60 is amended to reflect the current definition and usage of the term "marketing center". In Section 40.120, the February 1, 1998 edition of the Brucellosis Eradication Uniform Methods and Rules is adopted.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds

DEPARTMENT OF AGRICULTURE

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Springfield, IL 62794-9281
 Telephone: 217/785-5713
 Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 40

LIVESTOCK AUCTION MARKETS

Section	Definitions
40.5	Fee to Accompany Application Not To Be Refunded
40.10	Release of Livestock for Interstate Shipment
40.20	Veterinary Inspection
40.30	Veterinary Office
40.40	Detection of Diseased Animals
40.50	Bovine Brucellosis
40.60	Quarantine Pen
40.70	The Sale of Livestock for Immediate Slaughter
40.80	Test Chute
40.90	Brucellosis Test
40.100	Sale of Official Brucellosis Calftlood Vaccinates
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20

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Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. 9780, effective Aug 09 1999.

Section 40-60 Bovine Brucellosis

- a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.
- b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/5]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a ~~livestock-auction-market designated-as-a~~ marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department.

- c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Department and by branding with a hot iron the letter "S" on the left hip in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 23 Ill. Reg. 9780, effective Aug 09 1999)

Section 40-120 Feeder Cattle Subject to Quarantine

All female cattle of beef breeds over 6 and under 18 months of age from states that are not brucellosis Class Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association

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(P.O. Box 4227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 ~~May-1997-as-amended-February-1993-and-June-1994~~ and the United States Department of Agriculture and/or 9 CFR 78.1 (1999) (1994) sold or released from a livestock auction market for feeding or grazing purposes are subject to quarantine (8 Ill. Adm. Code 75.130) and shall be reported on Form M-107 Revised to the Department following each sale or at the end of each week.

(Source: Amended at 23 Ill. Reg. 9780, effective Aug 09 1999)

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The full text of adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Livestock Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 610
- 3) Section Numbers: Adopted Action:
610.50 Amended
- 4) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645]
- 5) Effective Date of Amendments: 8/9/99
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3234
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Department is updating the CFR incorporations to the 1999 edition of the Code of Federal Regulations. The latest version of the Brucellosis eradication: Uniform Methods and Rules, effective February 1, 1998, is also being adopted.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER 11: DEPARTMENT OF AGRICULTURE

PART 610

LIVESTOCK DEALER LICENSING

Section	
610.5	Definitions
610.10	Entry Requirements
610.20	Breeding Cattle Health Requirements (Repealed)
610.30	Swine Health Requirements
610.40	Prevention of Spread of Livestock Diseases
610.50	Feeder Cattle
610.60	Slaughter Animals
610.70	Care of Livestock (Repealed)
610.80	Inspection
610.90	Identification Not to be Removed or Altered
610.100	Compliance with Market Cattle Identification Program
610.110	Surety Bonds and Other Pledged Security
610.120	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
610.130	Director as Trustee on Surety Bonds (Repealed)
610.140	Dealer's Agent (Repealed)
610.150	License Application

AUTHORITY: Implementing and authorized by the Illinois Livestock Dealer Licensing Act [225 ILCS 645].

SOURCE: Rules and Regulations Relating to the Livestock Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; June 20, 1973, effective July 1, 1973; April 5, 1976, effective April 15, 1976; amended at 2 Ill. Reg. 34, p. 166, effective August 24, 1978; Codified at 5 Ill. Reg. 10573, amended at 8 Ill. Reg. 5973, effective April 23, 1984; amended at 13 Ill. Reg. 3650, effective March 13, 1989; amended at 18 Ill. Reg. 1875, effective January 24, 1994; amended at 20 Ill. Reg. 1552, effective January 12, 1996; amended at 20 Ill. Reg. 16197, effective January 1, 1997; amended at 21 Ill. Reg. 17091, effective January 1, 1998; amended at 23 Ill. Reg. 446, effective January 1, 1999; amended at 23 Ill. Reg. 9785, effective AUG 09 1999.

Section 610.50 Feeder Cattle

Livestock Dealers purchasing animals for feeding purposes shall:

- Keep such cattle separate from breeding cattle.
- Submit to the Department a weekly report (on Department Form M-107) of the sale of all out-of-state female feeder cattle over 6 and under 18 months of age from states that are not brucellosis Class-Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114,

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1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 May--67 19927--~~amended--February-27-1993-and-June-167-1994~~) and the United States Department of Agriculture and/or 9 CFR 78.1 (19931998), giving the date of each sale, number sold, age, breed, and the name and address of the purchaser.

(Source: Amended at 23 Ill. Reg. 9785, effective AUG 09 1999)

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NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Marketing Center (Livestock)

2) Code Citation: 8 Ill. Adm. Code 45

3) Section Numbers: Adopted Action:

45.10 Repealed

45.20 Repealed

45.120 Repealed

45.150 Repealed

4) Statutory Authority: Section 8a of the Livestock Auction Market Law [225 ILCS 640/8a]

5) Effective Date of Repealer: 8/9/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Repealer Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3238

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Difference between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This Part is being repealed: (1) the requirements in Section 45.20 are currently in the Livestock Auction Market Law; (2) in Section 45.120, the requirement to file Form M-106 is no longer necessary; and (3) an amendment to Definitions, 8 Ill. Adm. Code 20, adds the definition and requirements of a marketing center.

16) Information and questions regarding this adopted repealer shall be directed to:

Linda Rhodes

Telephone: 217/785-5713

Illinois Department of Agriculture

Facsimile: 217/785-4505

State Fairgrounds

Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Standards and Licensure Requirements for Community-Integrated Living Arrangements

2) **Citation:** 59 Ill. Adm. Code 115

Section Numbers:	Adopted Action:
115.100	Amended
115.120	Amended
115.200	Amended
115.205	New Section
115.210	Amended
115.215	Amended
115.220	Amended
115.230	Amended
115.240	Amended
115.250	Amended
115.300	Amended
115.310	Amended
115.320	Amended
115.321	Amended
115.325	Amended
115.330	Amended
115.410	Amended
115.420	Amended
115.430	Amended
115.440	Amended
115.450	Amended
115.460	Amended
115.470	Amended
115.500	New Section
115.510	New Section
115 Appendix A	Repealed

4) **Statutory Authority:** Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

5) **Effective Date of Amendments:** August 13, 1999

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does these amendments contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available

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For public inspection.

9) **Notice of Proposal Published in Illinois Register:** August 14, 1998, 22 Ill. Reg. 14576

10) **Has JCRC Issued a Statement of Objections to these amendments?** No

11) **Differences between proposal and final version:**

1. In Section 115.120, in the definition of physical "abuse", changed "abuse" to "injury".
2. In Section 115.120, in the definition of "Verbal Abuse", removed the "(s)" from "individual(s)" each place it occurred.
3. In Section 115.120, in the definition of "Interdisciplinary process" removed the "(s)" from "individual(s)".
4. In Section 115.120, in the definition of "Mental Health professional", removed the "(s)" from "individual(s)".
5. In Section 115.120, in the definition of "Accreditation", for the "Behavioral Health Standards Manual", struck "1996" and added "1998".
6. In Section 115.120, in the definition of "Agency", struck "which is a sole proprietorship" and added "which is a sole proprietorship."
7. In Section 115.120, in the definition of "CILA", struck "individuals" and added "individuals" and struck "disability" and added "disability."
8. In Section 115.120, in the definition of "Continuous supervision and support", changed "no the" to "not the".
9. In Section 115.120, in the definition of "Illinois", struck "U.S.C.A." each time it is used and added "USCA".
10. In Section 115.120, in the definition of "Independence in daily living", struck "on-the job" and added "on-the job."
11. In Section 115.120, in the definition of "Mental Health Professional", struck "professional(s)" and added "professional".
12. In Section 115.120, in the same definition, after "his" struck "of" and added "or".
13. In Section 115.120, in the same definition, struck "Illinois".

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NOTICE OF ADOPTED AMENDMENTS

14. In Section 115.120, in the same definition, added "and Advanced Practice Nursing" before "Act".
15. In Section 115.120, in the definition of "Notice of Violation", changed "ALAC" to "ORAC".
16. In Section 115.120, in the definition of "Qualified Mental Health Professional", struck "individual's" and added "master's".
17. In Section 115.120, in the same definition, struck "1987".
18. In Section 115.120, in the same definition, struck "individual's" and added "master's".
19. In Section 115.120, in the same definition, struck "individual's" and added "master's".
20. In Section 115.120, in the same definition, struck "individual's" and added "master's".
21. In Section 115.120, in the definition of "Qualified mental retardation professional", struck "individual's" and added "master's".
22. In Section 115.205 (a)(6), changed "The" to ",the".
23. In Section 115.215 (c), added "Absences" after "c)".
24. In Section 115.220 (a), deleted "and".
25. In Section 115.220 (a), changed "parent(s)" each time it is used to "parent".
26. In Section 115.220 (a), added ")," before "providers".
27. In Section 115.220 (a), changed the parenthesis to a comma.
28. In Section 115.220 (b)(2), struck "natural environment" and added "community".
29. In Section 115.220 (b)(2), deleted "providers of".
30. Section 115.220 (b)(2), added a comma before "when".
31. In Section 115.220 (c)(6), added "providers of" after "other".
32. In Section 115.220 (c)(14), struck "home services program" and added "Home Services Program".

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33. In Section 115.230 (o), added a comma after "sub-contractor".
34. In Section 115.240 (d), struck "personnel" and added "employees".
35. In Section 115.250 (a)(1), changed "2" to "II".
36. In Section 115.250, deleted the added text and struck the existing text.
37. In Section 115.250 (a)(3), struck and semicolon and added a period.
38. In Section 115.250 (a)(4), struck the semicolon.
39. In Section 115.300 (b), reinstated the comma after "Association" and added "1991".
40. In Section 115.300 (b), struck "owner(s)" and "violation(s)" and added "owners" and "violations".
41. In Section 115.300 (c)(8)(C), struck "personnel" and added "employees".
42. In Section 115.300 (e), added "a" before "foster".
43. In Section 115.300 (e), changed "paragraph" to "subsection".
44. In Section 115.310 (c), deleted parentheses from "unit(s)".
45. In Section 115.310 (c), changed "date of adoption of these amendments" to "August 13, 1995".
46. In Section 115.310 (e)(3), changed "adoption of these amendments" to "August 13, 1995".
47. In Section 115.320 (b)(3), changed "substantial" to "substantiated".
48. In Section 115.320 (c)(2)(B), struck "goal(s)" and added "goals".
49. In Section 115.320 (d), changed "Staff Training" to "Training".
50. In Section 115.320 (d)(1), deleted the parentheses from the "s" and deleted the comma.
51. In Section 115.320 (d)(1), changed current wording to "in subsections (d)(1)(A) through (M)".
52. In Section 115.320 (d)(1), changed "as specified above" to "specified in this subsection (d)(1), who has not" and struck "without".

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53. In Section 115.320 (d)(1), changed "they" to "he or she".
54. In Section 115.320 (d)(1), changed "person(s)" to "persons".
55. In Section 115.320 (d)(1), deleted "their" and "following" after "the", and added a colon after "areas".
56. In Section 115.320 (d)(1), deleted "listed below."
57. In Section 115.320 (d)(1)(E), struck "2" and added "1".
58. In Section 115.320 (d)(1)(G), added a period after "individuals".
59. In Section 115.320 (h)(4)(C), struck "(f) through (o)".
60. In Section 115.321, added a closing parentheses before the semicolon.
61. In Section 115.321 (j)(2), struck "staff" and added "employees".
62. In Section 115.321 (o), changed "OALC" to "OALC".
63. In Section 115.330 (a), added "shall be" before "granted".
64. In Section 115.330 (c)(3), changed "g" and added "h" and change "i" and added "j". In Section 115.440 (a)(3), after "days", struck "of" and added "after".
65. In Section 115.440 (a)(4), struck "plan(s)" and added "plans".
66. In Section 115.440 (c), changed "and" to a comma.
67. In Section 115.440 (c), deleted the parentheses.
68. In Section 115.440 (d), changed "Accreditation, Licensure, and Certification (ALSC)" to "OALC".
69. In Section 115.440 (e), changed the "ALSC"s to "OALC".
70. In Section 115.470 (c), struck "59 Ill. Adm. Code 101.70, Conduct of hearings and appeals" and added "89 Ill. Adm. Code 508, Administrative Hearings".
71. Changed Section 115.500 to "The Department funds CILAs services for persons with developmental disabilities and for persons with mental illness using two separate mechanisms due to the differences in the nature of the mental disability. CILAs services for persons with mental illness are funded through grants under 59 Ill. Adm. Code 103

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- and 132. CILAs services for persons with developmental disabilities are funded through the rate methodology described in this Subpart."
72. In Section 115.500, deleted "reimbursement for CILAs."
73. In Section 115.510, after "CILA", added "services for persons with developmental disabilities" and changed "but may" to "but shall".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): Amendments to this Part reflect current Departmental practices and incorporate changes in the Health Care Worker Background Check Act (225 ILCS 46). Specific changes made include adding a section on respite services, coordinating definitions with other applicable Department rules, clarifying training responsibilities of CILAs providers, incorporating the individual and family more broadly into the team process, reordering several sections to reflect the order of the application and licensing process, modifying distance requirements to better reflect the variety of residential care while recognizing reasonable distance requirements, and incorporating changes in the background check requirements. Also, Sections 115.500 and 115.510 were added to implement P.A. Act 89-31, which required the Department to specify components of reimbursement for CILAs in the Department's rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Ms. Susan Weir, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547
- The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF HUMAN SERVICES

PART 115

STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-INTEGRATED LIVING
ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section

115.100 Purpose

115.110 Incorporation by reference

115.120 Definitions

SUBPART B: SERVICE REQUIREMENTS

Section

115.200 Description

115.205 Respite services for persons with a developmental disability

115.210 Criteria for participation of individuals

115.215 Criteria for termination of services to individuals

115.220 Community support team

115.230 Interdisciplinary process

115.240 Medical services and medications

115.250 Individual rights and confidentiality

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section

115.300 Environmental management of living arrangements

115.310 Geographic location of community-integrated living arrangements

115.320 Administrative requirements

115.321 Application for waiver of the prohibition against employment

115.325 Monitoring and evaluation

115.330 Accreditation

SUBPART D: LICENSURE REQUIREMENTS

Section

115.400 Applicability

115.410 License application ~~issuing-a-license-and-period-of-license~~

115.420 Application acceptance and verification ~~license-application~~

115.430 Issuing a license and period of license ~~Application-acceptance-and-
verification~~

115.440 License sanctions and revocation ~~Non-transferability-of-license~~

115.450 Non-transferability of license ~~Cessation-of-operations~~

115.460 Cessation of operations ~~license-revocation~~

115.470 Hearings

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SUBPART E: REIMBURSEMENT RATE COMPONENTS

Section

115.500 Purpose

115.510 Rate components

APPENDIX A Specific level of Functioning Assessment and Physical Health
Inventory (Repealed)

AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; emergency expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 21434, effective November 29, 1993; amended at 21 Ill. Reg. 2205, effective February 1, 1997; amended at 21 Ill. Reg. 6085, effective May 5, 1997; amended at 21 Ill. Reg. 8332, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 8382, effective April 28, 1998; amended at 23 Ill. Reg. 9791, effective AUG 13 1999.

SUBPART A: GENERAL PROVISIONS

Section 115.100 Purpose

- a) The purpose of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] is to license ~~promote-ventuary~~ ~~license~~ ~~of~~ agencies to certify living arrangements integrated in the community in which individuals with a mental disability are supervised and provided with an array of needed services.
- b) The objective of a community-integrated living arrangement is to promote optimal independence in daily living and economic self-sufficiency of individuals with a mental disability.
- c) Agencies planning to develop and support community-integrated living arrangements shall do so pursuant to Department licensure in accordance with this Part.
- d) Agencies providing CITA services to individuals with developmental disabilities who are included in the Department's Medicaid Home and Community-Based Services DD Adult Waiver (Medicaid DD Waiver) will comply with 59 Ill. Adm. Code 120.

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(Source: Amended at 23 Ill. Reg. 9791, effective June 1, 1999)

Section 115.120 Definitions

For the purpose of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means. (Section 1-101.1 of the Code)

Physical injury means any direct physical mistreatment of an individual by an employee of a community agency, such as hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting with or without an injury. Includes all injuries serious enough to require immediate medical treatment by a physician--such as fractures--and lacerations--which require suturing--and all other injuries--which--because of the--circumstances--of--nature--of--the injury--indicate--possible--abuse--or--neglect?

Sexual abuse means includes--but--is--not--limited--to any sexual penetration, molestation, or exploitation of an individual by an employee of an agency, or sexual conduct between an individual and another person--if the individual has been adjudicated--legally disabled--or has a guardian--or--is--unable--to--understand--the nature--of--the--act--or--is--unable--to--give--knowing--consent--or--is injured--or--alleges--that--there--is--or--there--is--evidence--of--use--of--force--coercion--or--the--exchange--of--money--or--anything--of--value--and

Sexual penetration means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

Sexual molestation means any intentional or knowing touching or fondling by one person, either directly or through clothing, of the sex organs, anus, or breast of the other person, for the purpose of sexual gratification or arousal of either person.

Sexual exploitation means the sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

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Mental injury includes verbal abuse, psychological abuse or exploitation by an employee use--of--words--stays--gestures--or other--actions--by--anyone--against--an--individual--which--intimidates, demeans--harasses--causes--emotional--anguish--or--distress, ridicules--threatens--harms--or--will--knowingly--incite--or precipitate--maladaptive--behavior--on--the--part--of--an--individual. Mental injury--also--includes--exploitation--which--is--any--act--that uses--individuals--their--resources--or--their--possessions--for--an agency--employee's--personal--gain--or--for--an--agency's--benefit.

Verbal abuse means the use of words by an employee toward or about and in the presence of an individual which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual, whether or not there is a psychological injury.

Psychological abuse means the use of signs, gestures or other actions by an employee toward or about and in the presence of an individual which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual.

Exploitation means any act of forcing, compelling, coercing, or enticing an individual to perform services for the advantage of another, with or without an injury.

Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another individual.

"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

1998 1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1998 1996);

1997-1998 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181,

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1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

1997 Personal Outcome Measures ~~Outcome-Based Performance Measures~~ (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1997 1999);

Behavioral Health Standards Manual, CAREF, The Rehabilitation Commission (Commission on--Accreditation--of--Rehabilitation Facilities--(CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1998 1996);

Standards Manual and Interpretative Guidelines for Employment and Community Support Services, CAREF, The Rehabilitation Commission (Commission on Accreditation of Rehabilitation Facilities--(CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1998 1996); or

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York, 10023, 1994).

"Agency." A community mental health or developmental services organization licensed by the Department which is a sole proprietorship ~~which is a sole proprietorship~~, association, partnership, corporation or organization, public or private, either for profit or not for profit, which certifies community-integrated living arrangements for individuals with a mental disability. (Section 3(b) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Agency supervision." Either continuous supervision or support or intermittent supervision or support as defined in this Section.

"Array of services." A range of activities and interventions designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports.

"Authorized agency representative." The administrative head of an

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agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Aversive procedures." The application, contingent on the exhibition of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious affect.

"Certification." An affirmation by an agency that programs operated under this Part meet the Part's standards and provide services to promote community-integrated living.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Community-integrated living arrangement (CILA)." A living arrangement certified by an agency where eight or fewer individuals ~~individuals~~ with a mental disability ~~disability~~ reside together in a home under the supervision of the agency and are provided with an array of services. (Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Community integration" or "integration into the community." On-going participation in community life including at least the following:

The amount of time spent out of the living arrangement in generic (non-disability) related activities such as church, Y.W.C.A., Y.W.C.A., education, library, clubs, shopping and amusements.

Participation in family activities and celebrations such as holidays, birthdays, reunions, communication (telephone and mail) and vacations.

"Community support team (CST)." Staff responsible for providing and arranging for the provision of services specified in the individual integrated services plan for individuals in a community-integrated living arrangement. The team shall be composed of at least one qualified mental health professional or qualified mental retardation professional as defined in this Section, and other mental health and developmental disabilities staff who shall provide community support services in the individual's home or in other community locations where learning or socialization occurs.

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Consumer representatives." Persons chosen by individuals and representing the interests of persons served by an agency such as family members, guardians and advocates.

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"Continuous supervision or support." Direction or assistance provided to an individual under the auspices of the licensed agency on-site all the hours individuals are present. An employee or any other person compensated or in a volunteer capacity, but not the guardian of the individual, with responsibility for care of individuals served from the licensed agency, or another agency through which any portion of CITA services is being provided, must be physically present on-site all hours individuals are present. Continuous supervision or support may range from being in immediate line of sight to the individual receiving services, to present and accessible to the individual receiving services, depending on the individual's services plan.

"Day." A calendar day, unless otherwise indicated.

"Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

"Developmental disability." A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code)

"Department." The Department of Human Services.

"Diagnosis." A category of disability stated in accordance with either the Classification in Mental Retardation (American Association on Mental Retardation, 1719 Kalorama Road, N.W., Washington, D.C. 20009 (1992)), or the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994).

"Economic self-sufficiency." The managing of financial resources which are needed to satisfy the daily needs of an individual including at least involvement in commerce, such as managing money, comparative shopping, selecting clothes, informed selection of foods, diet and purchasing and negotiating.

"Employee." Any person on the agency payroll.

"Entitlements." Government-related financial benefits available to individuals who qualify on the basis of need, disability and/or

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income, such as Title XVIII (Medicare) (42 USCA 4352-4371-1395b-1 (1996)), Title XIX (Medicaid) (42 USCA 4352-4371-1396a (1996)) and Veteran's Administration benefits (38 USCA 4352-4371-541, 541, 542 (1996)).

"Equivalency." Evidence to substantiate compliance with requirements of this Part by other means than indicated in this Part.

"Family." Anyone related by blood or marriage to the individual ~~the spouse and--children and the mother, father, sister and brother of an individual.~~

"Foster care setting." A living arrangement for recipients in residences of families unrelated to them, for the purpose of providing family care for the recipients on a full-time basis. (Community-Integrated Living Arrangements Act)

"Governing body." The policy-making authority of an agency that establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the organization's mission.

"Guardian." The plenary or limited guardian or conservator of the individual appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements, or the natural or adoptive parent of a minor or a person acting as a parent of a minor.

"Habituation." An effort directed toward the alleviation of a developmental disability or toward increasing the level of physical, mental, social or economic functioning of an individual with a developmental disability. Additionally, it may include efforts to prevent regression or decelerate loss of function. ~~Habituation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, employment related services, protective services, counseling and other services provided to individuals with a developmental disability by developmental disabilities programs.~~ (Section 1-111 of the Code)

"Imminent risk." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual as would cause a reasonably prudent person to take immediate action and that is not immediately corrected, such as environmental or safety hazards. ~~A situation in which--individuals~~

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being-supervised-by-an-agency-are-or-may-be-subject-to-illnesses-mental-or-physical-injury-and-which-is-not-immediately-correctable-such-as environmental-or-safety-hazards:

"Independence in daily living." Demonstrated ability of an individual to provide for his or her own basic care without outside assistance such as including-at-least-the-following:

Vocational development outside the living arrangement which enables individuals to participate in the workforce such as using on-the-job on-the-job skills, riding a bus and crossing streets.

Personal care, i.e., maintaining own hygiene, personal space and social relationships.

Participation in citizenship activities such as awareness of community norms, voting and volunteering in community projects.

"Individual" or "individuals." A person or persons who receives or receive community-integrated living arrangement services.

"Individual integrated services plan" or "services plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the array of services needed regardless of availability, objectives for each service, the role of the individual or guardian, significant others and family in the development and implementation of the plan when indicated, an anticipated timetable for the accomplishment of objectives, and the name of the person or persons responsible for the implementation of the plan.

"Individual record." Materials kept by an agency--in--the--course--of providing--services--to--a--mentally-disabled-individual--who-is-receiving services--in--a--community-integrated-living-arrangement--concerning--the individual--and--the--services--provided:

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including releases of information, as part of the individual's services plan.

"Interdisciplinary process." A set of steps or systems initiated to assess the ~~a-mentally-disabled-individual's~~ strengths and needs of an individual with a mental disability with input from the individual, ~~individuals~~ requesting and/or receiving services and from the disciplines providing or targeted to provide services in order to collaboratively develop and implement an individual integrated services plan, and to review and/or update the plan. Persons

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participating in the process shall include, at a minimum, the individual and his or her legal guardian, the individual's family, unless a legally competent individual chooses not to have the family involved or the family refuses to be involved, a qualified mental retardation professional or qualified mental health professional and other members of the community support team.

"Intermittent supervision or support." Supervision or support ~~Direction--or--assistance~~ provided to an individual under the auspices of a licensed agency less than 24-hours per day. When ~~employees staff~~ are not on-site, supervision or support shall be provided by means of 24-hour on-call availability and by a variety of alternatives or supports, such as non-disabled roommates, paid neighbors, non-paid family members and other formal or informal arrangements.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual integrated services plan are obtained or regularly made accessible and available to an individual who chooses to not use them initially. The qualified mental retardation professional, qualified mental health professional or mental health professional under the supervision of the qualified mental health professional shall be responsible for assuring linkage.

"Living arrangement." An apartment, house or one or more units in a ~~private-home~~, multi-unit dwelling or where an individual has chosen to live or where the individual's guardian has chosen for him or her to live.

"Mental disability" or "mentally disabled." A developmental disability, a mental illness, or both.

"Mental health professional (MHP)." A mental health professional who provides services under the supervision of a qualified mental health professional ~~professionaifst~~, as defined below, in providing services specified in Subpart B of this Part to an individual and his or her family, as necessary. The mental health professional must possess a bachelor's degree in social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to the Illinois Nursing and Advanced Practice Nursing Act of 1989 [225 ILCS 65] or have a minimum of five years of supervising experience in a mental health service.

"Mental illness." For purposes of this Part, mental illness refers to the target population of adults with serious mental illness (SMI), as established by the Department's Office of Mental Health as follows: ~~A--condition--that--is--characterized--by--the--presence--of--a--major-mental disorder--as--classified--in--the--Diagnostic--and--Statistical--Manual--of~~

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Mental:--Disorders,--Fourth--Edition--(DSM-IV)--(American--Psychiatric Association, 1994)--excluding alcohol- and substance-abuse, Alzheimer's disease, and other forms of dementia--based-on-organic--or--physical disorders--and where the individual is assessed using form DMHBB-12157. Specific level:--of--Functioning--Assessment--and--Physical--Health Inventory--(SSAP)--to be substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work/skills, and the disability specified is expected to be present for a period of not less than one year.

Individuals with serious mental illness are adults whose emotional or behavioral functioning is so impaired as to interfere with their capacity to remain in the community without supportive treatment. The mental impairment is severe and persistent and may result in a limitation of their capacities for primary activities of daily living, interpersonal relationships, homemaking, self-care, employment or recreation. This impairment may limit their ability to seek or receive local, State or federal assistance such as housing, medical and dental care, rehabilitation services, income assistance and food stamps, or protective services.

The individual must have one of the following diagnoses that meets DSM-IV criteria and that is the focus of the treatment being provided:

Schizophrenia (295.xx)

Schizophreniform disorder (295.4)

Schizo-affective disorder (295.7)

Delusional disorder (297.1)

Shared psychotic disorder (297.3)

Brief psychotic disorder (298.8)

Psychotic disorder NOS (298.9)

Bipolar disorders (296.0x, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90)

Cyclothymic disorder (301.13)

Major depression (296.2x, 296.3x)

Obsessive-compulsive disorder (300.30)

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Anorexia nervosa (307.1)

Bulimia nervosa (307.5)

And the individual must meet the criteria for either treatment history or functional criteria as follows:

Treatment history. (Treatment history covers the client's lifetime treatment and is restricted to treatment for the DSM-IV diagnosis specified in this definition.) To qualify under treatment history, the individual must meet at least one of the following criteria:

Continuous treatment of six months or more, including treatment during adolescence, in one, or a combination of, the following modalities: inpatient treatment, day treatment or partial hospitalization;

Six months continuous residence in residential programming (e.g., long-term care facility or assisted, supported or supervised residential programs);

Two or more admissions of any duration to inpatient treatment, day treatment, partial hospitalization or residential programming within a 12-month period;

A history of using the following outpatient services over a one-year period, either continuously or intermittently: psychotropic medication management, case management, outreach and engagement services; or

Previous treatment in an outpatient modality, and a history of at least one mental health psychiatric hospitalization.

Functional criteria. (Functional criteria have been purposely narrowed to descriptors of the most serious levels of functional impairment and are not intended to reflect the full range of possible impairment. To qualify under functional criteria, the individual must meet at least two of the following. The individual:

Has a serious impairment in social, occupational or school functioning;

Is unemployed or working only part-time due to mental illness and not for reasons of physical disability or some other role responsibility (e.g., student or primary caregiver for dependent family member); is employed in a

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sheltered setting or supportive work situation; or has markedly limited work skills;

Requires help to seek public financial assistance for out-of-hospital maintenance (e.g., Medicaid, SSI, other indicators);

Does not seek appropriate supportive community services, e.g., recreational, educational or vocational support services, without assistance;

Lacks supportive social systems in the community (e.g., no intimate or confiding relationship with anyone in his/her personal life, no close friends or group affiliations, is highly transient or has inability to co-exist within a family setting);

Requires assistance in basic life and survival skills (must be reminded to take medication, must have transportation to mental health clinic and other supportive services, needs assistance in self-care, household management, food preparation or money management, etc., is homeless or at risk of becoming homeless); or

Exhibits inappropriate or dangerous social behavior that results in demand for intervention by the mental health and/or judicial/legal system.

If the individual does not currently meet the functional criteria listed above, but is currently receiving treatment and has a history within the past five years of functional impairment meeting two of the functional criteria listed above that persisted for at least 12 months, and there is documentation supporting the professional judgment that regression in functional impairment would occur without continuing treatment, then the individual will be determined to have met the functional criteria.

"Mental retardation." The essential feature of mental retardation is significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communication, self-care, home living, social/interpersonal skills, work, leisure, health, and safety. The onset must occur before age 18 years. (See DSM-IV.) Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116-of-the-Code)

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"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Natural environment." Locations and settings where an individual lives, works and socializes and carries out activities of daily living.

"Neglect." Failure to provide adequate medical or personal care or maintenance which failure results in physical or mental injury to an individual or in the definition of "Abuse" in this Section to an individual or in the deterioration of an individual's physical or mental condition. (Section 1-117-i-of-the-Code)

Any failure by an agency or employee thereof to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted; or

Any act or omission by an agency or employee thereof that endangers an individual's health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether or not there is an injury; or

Any act or omission by an agency or employee thereof that results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the agency has occurred. Consideration shall be given to whether the injury was repeated or preventable. This includes individual to individual assaults or that are allegedly the result of employee or agency neglect; or

Any act or omission by an agency or employee thereof that results in an individual's absence that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred; or

Any act or omission by an agency or employee thereof that results in any individual sexual penetration, sexual molestation, or sexual exploitation where one of the participants is unwilling or unable to consent to sexual activity of which an employee or agency has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred; or

Any act or omission by an agency or employee thereof that results

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in any exploitation of an individual by another individual of which an employee or agency has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred.

"Notice of violation." A report submitted to an agency by OALC omb listing the agency's deficiencies with this part noted during a survey.

"OALC." The Department's Office of Accreditation, Licensure and Certification ~~"OALC," the Department's Office of Accreditation and~~ **Escensure.**

"Paraprofessional." An employee or contractual worker not designated as a professional by virtue of license, certification, or education, and who assists a professional.

"Plan of correction." A written plan submitted by an agency to the Office of Accreditation, Licensure and Certification (OALC), in response to a notice of violation, which describes the steps the agency will take in order to bring a program or services into compliance, and the time-frames for completion of each step.

"Pre-admission screening (PAS) agent." Contracted community agency acting as a Department agent to provide comprehensive documentation for Illinois' pre-admission screening system and to incorporate the requirements imposed by the U.S. Health Care Financing Administration (HCFA) to support reimbursement claims under Title XIX of the Social Security Act (42 USCA 1396 (1996)).

~~"Plan-of-correction." A written plan submitted by an agency to OALC in response to a notice of violation, which describes the steps the agency will take in order to bring a program or services into compliance, and the time-frames for completion of each step.~~

"Professional." An employee or contractual worker designated as a professional by virtue of license, certification, or education.

"Progress notes." Narrative documentation in an individual's record of service provision and its relationship to the individual integrated services plan.

"Psychotropics." Drugs used for antipsychotic, antidepressant, anxiolytic and/or anxiolytic purposes as listed in the AHS 96 Drug Information (American Society of Health-System Pharmacists, 7272 Wisconsin Avenue, Bethesda MD 20814, 1996), Drug Information for the Health Care Professional, USPD, 17th edition (United States Pharmacopoeial Convention, Inc., 12601 Twinbrook Parkway, Rockville MD

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20852, 1997) or the Physician's Desk Reference (PDR) (Medical Economic Company (1996), published annually).

"Qualified mental health professional (QMHP)." One of the following:

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training in the treatment of children and adolescents;

A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association or the American Osteopathic Association or other training program identified as equivalent by the Department;

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

A social worker possessing a master's ~~individual's~~ or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;

A registered nurse licensed under the ~~Illinois~~ Nursing and Advanced Practice Nursing Act ~~of 1987~~ [225 ILCS 65] with at least one year of clinical experience in a mental health service or a master's ~~individual's~~ degree in psychiatric nursing;

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting; **or**

An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; **or**

An individual possessing a master's ~~individual's~~ or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling or family therapy, or related field, who has successfully completed a practicum and/or internship which includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental

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health professional or who is a licensed social worker holding a master's ~~individual's~~ degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

"Qualified mental retardation professional (QMWP)." A QMWP must:

Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to the ~~Illinois~~ Nursing and Advanced Practice Nursing Act ~~of 1987~~;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's ~~individual's~~ degree in psychology from an accredited school (Clinical Psychologist Licensing Act);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meeting

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the education requirements for licensure and being in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietician registered by the American Dietetics Association;

A human services professional with a bachelor's degree in a human services field, including but not limited to sociology, special education, rehabilitation counseling and psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services and supports that enable individuals with a mental illness or development disability to achieve defined outcomes in their lives. in order-to-identify-and-resolve-problems.

"Residence." See "living arrangement."

"Seclusion." Sequestration by placement of an individual alone in a room from which he or she has no means of leaving. When an individual is placed in a behavior modification program pursuant to his or her integrated services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time not to exceed 30 minutes and such restrictions shall not constitute seclusion. (Section 1-126 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Self-administration of medications." An individual's ability to correctly take prescribed medications independently or with ~~verbal~~ prompts.

"Site." Any living arrangement under one continuous roof in which individuals receiving CILA services live.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve optimal independent functioning and economic self-sufficiency.

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"Substantial compliance." An evaluation result that determines that a surveyed program or service meets the requirements set forth in this Part, or, when deficient, the program has documented a plan of correction to rectify any deficiency, or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this Part which an agency has maintained. This includes surveyor observation and an on-site examination of the following: policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and employees ~~staff~~ and observation of a sample of CILA sites ~~effs~~ are also a part of the survey.

"Tardive dyskinesia." An abnormal involuntary movement disorder associated with the long-term use of antipsychotic medications. It may be persistent or transient and is characterized by a variable mixture of facial, ocular, oral, lingual, truncal or limb movements.

"Time-out." Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur, for a reasonable period of time not to exceed 30 minutes.

"Treatment." An effort to accomplish an improvement in the mental condition or related behavior of an individual. Treatment includes, but is not limited to, hospitalization, partial hospitalization, outpatient services, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals and other services provided for individuals by mental health agencies or psychiatric hospitals. (Section 1-128 of the Code)

"Waiver." An action by the Department in which exceptions to this Part are granted on application by an agency for a period not to exceed the duration of the current license.

(Source: Amended Reg. 23 111. Reg. 9791 effective 10/13/93)

SUPPORT B: SERVICE REQUIREMENTS

Section 115.200 Description

- a) A community-integrated living arrangement (CILA) is a living arrangement that ~~supervised-supportive services~~ which promotes promote residential stability for an individual who resides in his or her own home, in a home shared with others, or in the natural family home and who is provided with an array of services to meet his or her needs. The individual or guardian actively participates in choosing an array of services and in choosing a home from among those living

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arrangements available to the general public and/or housing owned or leased by an agency. If, over time, less intensive services are needed, the service array shall be changed rather than requiring the individual to move to a different setting unless specific services as funded and provided are no longer needed. If, over time, the individual needs more intensive services, the agency will make a reasonable effort to modify the service array rather than requiring the individual to move to a different setting. The services must continue to be able to be provided within the scope and resources of the CILA program. The individual may remain in his or her own home. Once accepted for service by an agency, termination of services may only occur by voluntary withdrawal of the individual or resulting from the recommendation of the interdisciplinary process and based on the criteria contained in Section 115.215.

- b) Licensed CILA agencies technically agree to a no-decline option; however, the agency may decline services to an individual because it does not have the capacity to accommodate the particular type or level of disability (e.g., an agency that serves only individuals with autism) and cannot, after documented efforts, locate a service provider which has the capacity to accommodate the particular type or level of disability. No otherwise qualified persons shall be denied placement in a CILA solely on the basis of his or her physical disability. The CILA agency or service provider associated with such agency must provide a reasonable accommodation for such persons, unless the accommodation can be documented to cause the agency or other service provider an undue hardship or overly burdensome expense. c) Services shall be oriented to the individual and shall be designed to meet the needs of the individual with input and participation of and his or her family as appropriate. Individuals are recognized as persons with basic human needs, aspirations, desires and feelings and are citizens of a community with all rights, privileges, opportunities and responsibilities accorded other citizens. Only secondarily are they individuals who have a mental disability.

- d) Based on their needs, individuals shall receive supervision and supportive services which may range from continuous to intermittent. CILAs shall be designed to promote optimal independence in daily living, economic self-sufficiency and integration into the community through the interdisciplinary process.

- e) The agency shall request in writing to the Department for approval to change the staffing model from the one funded and in use, e.g., from shift staff to foster family home, from foster family home to live-in support staff, in a CILA site. The Department shall review and act upon the request within 15 working days. The Department shall make its decision based on the needs of the individuals receiving services and the ability of the proposed staffing model to equally provide for their needs.

- f) The agency shall have a plan and arrangements for providing relief for employees and contractual workers who have responsibility more than

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eight consecutive hours or five consecutive days for individuals receiving services, and shall have evidence of implementation of the plan and arrangements. Any such plan shall comply with federal and State labor laws and shall provide recognition of the need for respite in foster care model settings.

(Source: Amended at 23 Ill. Reg. 97-9-1, effective August 13, 1999)

Section 115.205 Respite services for persons with a developmental disability

a) An individual with a developmental disability not currently receiving CILA services may be considered for a short term stay of no more than two consecutive weeks for respite services in an available CILA site only if:

- 1) The individual to be provided respite services meets the eligibility criteria as defined in Section 115.210;
- 2) The space to be used does not cause the applicable CILA site to exceed Department authorized physical capacity as defined by Section 115.300;
- 3) All individuals and/or guardians of the individuals residing in the home support and understand to the best of their ability the use of and the request for respite services;
- 4) Space used for respite services is not the space normally used by anyone regularly receiving services at this CILA site who is temporarily away;
- 5) The individual receiving respite services has bedroom space available for his or her use; and

6) If the agency is requesting funding for respite services, the agency must receive written approval for respite services from the Department prior to placement of the individual in a CILA or within 48 hours after placement of the individual in a CILA for respite services on an emergency basis. The Department will respond to the request for respite services within 48 hours after receiving a request for emergency respite and within 14 days after receiving non-emergency requests.

b) Prior to accepting an individual for respite services, an agency will require that the individual have a physician statement that he or she does not have any contagious disease. Additionally, the agency will document that the individual will not jeopardize in other ways the health and safety of the individuals living there.

c) Requests for respite services needed for longer than two weeks must be reviewed and approved by the Department prior to the end of the first two week period. Such extensions will be considered only in emergency situations.

d) Payment for respite services provided in CILA settings will be determined case by case and will depend upon the needs of the individual and the funding currently available for respite.

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e) Guests (individuals not receiving CILA or respite services at this location) of individuals living at the site may spend the night or weekend if that is agreeable to all other individuals with whom the home is shared and with appropriate arrangements by the CILA provider agency. Such guests shall not be considered to be receiving respite services and shall not be subject to the requirements of this Part.

(Source: Amended at 23 Ill. Reg. 97-9-1, effective August 13, 1999)

Section 115.210 Criteria for participation of individuals

a) An individual receiving services served in a CILA shall be at least 18 years of age, have a mental disability and shall be in need of an array of services and a supervised living arrangement. If an agency does not have the capacity to accommodate the individual's particular type or level of disability, this does not render the individual ineligible for CILA services.

b) The individual or guardian shall give informed consent to participate in a CILA, which shall be documented in the individual's record.

c) The individual or guardian shall agree to participate in the development and implementation of the individual integrated services plan, which shall be indicated by the individual's or guardian's signature on the plan or a note describing why there is no such signature.

(Source: Amended at 23 Ill. Reg. 97-9-1, effective August 13, 1999)

Section 115.215 Criteria for termination of individuals

a) The community support team interdisciplinary process shall consider recommending termination of services to an individual only if:

- 1) The medical needs of the individual cannot be met by the CILA program; or
- 2) The behavior of an individual places the individual or others in serious danger; or
- 3) The individual is to be transferred to a program offered by another agency and the transfer has been agreed upon by the individual, the individual's guardian, the transferring agency and the receiving agency; or and

b) 4) The individual no longer benefits from CILA services. Termination of services shall occur only if the termination recommendation has been approved by the Department. For individuals enrolled in the Department's Medicaid ID Waiver, termination of services is subject to review according to 59 Ill. Adm. Code 120.

c) Absences

1) b) Whenever individuals are required to be absent from a living

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arrangement for an extended period of time, an agency shall not consider termination of services unless the absence has been at least 60 days in duration and it is documented that the absence is expected to continue indefinitely. The Department reserves the right to terminate payment within the 60 days during which the individual is absent when it is clear that the individual will be unable to return to the CILA.

- 2) If an individual is to be away from his or her residence for an extended time period and the intent is that he or she will return to the residence, the licensed agency shall contact the Department in writing to request authorization for the absence. A request for extension of the absence must be submitted to the Department at the end of 30 consecutive days and after 60 consecutive days. If the absence exceeds 90 consecutive days in duration, funding for CILA services for the individual will cease. Prior to the end of 30 consecutive days and again, prior to the end of 60 consecutive days, the agency shall receive approval from the Department for funding of a continued absence. The request shall be documented and forwarded to the attention of the Department for approval. The Department shall respond to each request within 14 days. Continued funding past 30 days will be determined according to Department guidelines and will consider, but not be limited to, the following:

- A) Services being provided to the individual by the agency during the absence;
- B) The continued likelihood of the individual being able to return to the site; and
- C) Continuing funding available to the agency to support the site.

(Source: Amended at 23 Ill. Reg. 9791, effective AUG 13 1999)

Section 115.220 Community support team

Agencies licensed to certify CILAs shall provide for services through a community support team (CST).

- a) The CST shall consist of the QMR or QMRP, as indicated by the individual's primary disability, the individual, the individual's guardian or parent (unless the individual is his or her own guardian and chooses not to have his or her parent involved, or if the individual has a guardian and the guardian chooses not to involve the individual's parent), providers of services to the individual from outside the licensed CILA provider agency, and persons staff providing direct services in the community natural-environment;
- b) The CST shall be the central structure through which CILA services are provided to one or more individuals. The CST shall:
 - 1) Be responsible for all service functions including assessment,

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- 2) planning, coordination and delivery;
- 2) Provide direct service in the community natural-environment or in other facilities, such as State-operated facilities, convalescent care facilities, community hospitals or rehabilitation facilities, when the facilities permit;
- 3) Help the individual to participate in the design of an array of community support services tailored to his or her needs;
- 4) Be responsible for providing or helping individuals to access the services specified in their plans; and
- 5) Be available to respond to an individual's needs on a 24-hour basis.

c) The CST shall be directly responsible for:

- 1) Modifying the services plan based on on-going assessment and recommendations;
- 2) Linking individuals to resources and services;
- 3) Advocating on behalf of individuals;
- 4) Providing informational, educational and advocacy services to family members;
- 5) Assisting individuals to select, obtain, and maintain CILAs which afford safety and basic comforts;
- 6) Participating with other providers of direct service staff during stays in other environments such as State-operated facilities, convalescent care facilities, community hospitals or rehabilitation facilities; continuing in-facility contact, participating in the services plan development, and the on-going interdisciplinary process; providing on-going services to ensure the maintenance of the individual's living arrangement during these times such as paying the rent and utilities;
- 7) Assisting the individual in developing Developing---natural community supports and fostering relationships with non-paid persons in the community, e.g., neighbors, volunteers and landlords;
- 8) Providing personal support and assistance to the individual in gaining access to vocational training, educational services, legal services, employment opportunities, and leisure, recreation, religion and social activities;
- 9) Providing assistance to the individual in obtaining health and dental services, mental health treatment and rehabilitation services (including physical therapy and occupational therapy), and substance abuse services;
- 10) Providing supportive counseling and problem-solving assistance on an on-going basis and at times of crisis;
- 11) Assisting individuals with activities of daily living through skill training and acquisition of assistive devices;
- 12) Assisting the individual in accessing Accessing medication information including observing and reporting effects and side effects of prescribed medications;
- 13) Assisting the individual in Accessing and providing

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training to obtain emergency medical services including State-operated facility services;

- 14) Providing assistance in money management, including representative payeeship, and applying for financial entitlements including assisting individuals to access the Department's Home Services Program ~~home---services---program~~ (89 Ill. Adm. Code: Chapter IV, Subchapter d); and

15) Assisting individuals to access transportation.

- d) The agency shall provide or arrange for those services not indicated in subsection (c) of this Section, but identified in the individual integrated services plan as needed by the individual. If arranged, such services shall be documented in a written agreement between the licensed agency and the other service providers and shall minimally address training, services to be provided, quality assurance requirements and protection of the individual's rights. The agency shall remain responsible for insuring the quality of services and the protection of the individual's rights.

e) A CST member who is a QMRP or a QMRP shall be designated for each individual and shall:

- 1) Convene the CST as required by Section 115-230 to revise the services plan as part of the interdisciplinary process;
- 2) Assure that the services specified in the services plan are being provided;
- 3) Assure the participation of team members--~~the---individual---the guardian---the family and necessary non-team member professionals unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;~~
- 4) Assure and document in the individual's record, at least quarterly, that the individual's residence meets environmental standards as specified in Subpart C of this Part;
- 5) Identify and address gaps in the service provision;
- 6) Monitor the individual's status in relation to the services plan;
- 7) Advocate for the individual's rights and services;
- 8) Facilitate individual linkage and transfer;
- 9) Provide for a written record of team meetings within 30 days after each team meeting;
- 10) Assure that information specified by the services plan is included in the individual's record;
- 11) Initiate and coordinate the interdisciplinary process as often as specified in the services plan or when required by problems or changes; and
- 12) Assure availability of a written services plan to all team members; and ~~participants;~~

13) Special meetings of the CST when there are issues that need to be addressed as brought to the attention of the team by the individual, parent(s) and/or guardian.

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- f) A mental health professional may provide all services identified in subsections (e)(1) through (13) ~~that~~ except (11), (9), and (11) of this Section.

(Source: Amended at 23 Ill. Reg. 97-01 --, effective April 13, 1999.)

Section 115-230 Interdisciplinary process

Agencies licensed to certify CILAs shall comprehensively address the needs of individuals through an interdisciplinary process.

- a) Through the interdisciplinary process, the CST agency shall be responsible for preparing, revising, documenting and implementing a single individual integrated services plan for each individual.
- b) The following shall be included in the interdisciplinary process:
 - 1) The individual or his or her legal guardian, or both;
 - 2) Members of the individual's family unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;
 - 3) Significant other(s) chosen by the individual;
 - 4) The QMRP or the QMRP; and
 - 5) Other members of the CST.

c) As needed to meet the individual's needs, the following shall be included in the interdisciplinary process:

- 1) Persons in addition to the CST who provide habilitation, treatment or training; and
- 2) Professionals who assess the individual's strengths and needs, level of functioning, presenting problem(s) and disability(s), service needs and who assist in the design and evaluation of the individual's services plan.

d) Upon the individual's entry into a CILA, the QMRP or the QMRP shall:

- 1) Document in the record those services being provided to the individual until an individual integrated services plan is developed; and
- 2) Explain all rights enumerated in Section 115-250 and document in the individual's record that this has been done.

e) The agency shall assure that each individual receives an initial assessment and reassessments that shall be documented in the individual's record and the results explained to the individual and guardian.

- 1) The assessments shall determine the individual's strengths and needs, level of functioning, the presenting problem(s) and disability(s), diagnosis and the services the individual needs.
- 2) Assessments shall be performed by ~~employees~~ staff trained in the use of the assessment instruments.
- 3) Through the selection of the assessment instruments and the interpretation of results, all assessments shall be sensitive to the individual's:

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- A) Racial, ethnic and cultural background;
 B) Chronological and developmental age;
 C) Visual and auditory impairments;
 D) Language preferences; and
 E) Degree of disability.
- 4) Initial assessment for individuals with a mental disability shall include:
- A physical and dental examination, both within the past twelve months, which shall include a medical history;
 - Previous and current adherence to medication regime and the need for medication training;
 - A psycho-social assessment including legal status, personal and family history, a history of mental disability and related services, evaluation of possible substance abuse, and resource availability such as income entitlements, health care benefits, subsidized housing and social services;
 - An assessment with form DMHDD-1215, "Specific Level of Functioning Assessment and Physical Health Inventory" (SLOF) for individuals with a mental illness who are mentally ill--(see--Section--115--Appendix--A) and with the Inventory for Client and Agency Planning (ICAP) (Riverside Publishing Co., 425 Spring Lake Drive, Itasca, IL 60143, 1986) (BEM--Teaching Resources--One--BEM--Park--Allen--Texas 75067--1986) or the Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985) for individuals with a developmental disability who are developmentally disabled;
 - An educational and/or vocational assessment including level of education or specialized training, previous or current employment, and acquired vocational skills, activities or interests;
 - A psychological and/or a psychiatric assessment; both must be conducted for individuals with both a mental illness and a developmental disability;
 - A communication screening in vision, hearing, speech, language and sign language; and
 - Others as required by the individual's disability such as physical therapy, occupational therapy and activity therapy.
- 5) Annual reassessments for individuals with a mental disability shall include:
- A physical and dental examination including a review of medications;
 - The SLOF for individuals with a mental illness who are mentally ill--(see--Section--115--Appendix--A) and with the Inventory for Client and Agency Planning (ICAP) or SIB for individuals with a developmental disability who are developmentally disabled;
 - An annual psychiatric examination for individuals with a mental illness;

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- D) Other initially-assessed areas, as necessary.
- f) Within 30 days after an individual's entry into the CILA program, a services plan shall be developed that:
- 1) Is based on the assessment results;
 - 2) Reflects the individual's or guardian's preference as indicated by a signature on the plan or staff notes indicating why there is no signature and why the individual's or guardian's preference is not reflected;
 - 3) Identifies services and supports to be provided and by whom; and
 - 4) States goals and objectives. Objectives shall:
 - A) Be measurable;
 - B) Have timeframes for completion; and
 - C) Have an employee or person assigned responsibility.
- g) The individual integrated services plan shall identify the CILA site chosen with the individual's and guardian's participation and shall indicate the type and the amount of supervision provided to the individual.
- h) The services plan shall address goals of independence in daily living, economic self-sufficiency and community integration.
- i) The services plan shall include the names and titles of all employees staff and other persons contributing to the plan.
- j) The services plan shall be signed by the QMHP and the QMHP and the individual or guardian.
- k) The individual or guardian shall be given offered a copy of the services plan.
- l) The services plan shall become a part of the individual's record.
- m) At least monthly, the QMHP and QMHP shall review the services plan and shall document in the individual's record that:
- 1) Services are being implemented;
 - 2) Services identified in the services plan continue to meet the individual's needs or require modification or change to better meet the individual's needs; and
 - 3) Actions are recommended when needed.
- n) The CST shall review the services plan as a part of the interdisciplinary process at least annually for individuals with developmental disabilities and semi-annually for individuals with mental illness and shall note progress or regression which might require plan amendment or modification.
- o) All services specified in the services plan, whether provided by an employee staff of the licensed agency, consultants, or sub-contractors, shall be provided by or under the supervision of a QMHP or a QMHP, as appropriate, based on the individual's primary disability.
- p) Through the interdisciplinary process the CST shall be responsible for determining an individual's ability to transition from continuous supervision or support to an intermittent level of supervision or support.
- l) If a determination is made that the individual is appropriate for

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a less restrictive environment, documentation shall be included in the individual's plan identifying time frames for transition. The individual's QMP or QMPH shall be responsible for monitoring the individual's transitional plan and for documenting the individual's progress toward intermittent supervision and supports.

2) If a determination is made that an individual with a developmental disability is appropriate for intermittent supervision and supports, the PAS agency in conjunction with the provider agency must submit a completed CIA rate determination packet to the Department for development of a rate to support the intermittent supervision and supports.

3) For individuals with a developmental disability, funding will remain at the individual's current level of funding for the first three months. At the end of the first three months, the QMP or QMPH shall convene the CST to assess the individual's attainment of his or her goal for less restrictive supervision and supports. If the CST determines that the individual requires additional time to complete a successful transition, a request shall be made in writing to the Department for an extension not to exceed a total of six months. If the CST determines that the individual has not met, and is not likely to meet, his or her goal for less restrictive supervision and supports, the individual will continue to receive continuous supervision or support.

g) An individual who requires continuous supervision or support indefinitely may stay alone or access the community independently under specific circumstances. The CST must determine that the individual has the ability and desire to stay alone safely for brief periods of time, or access specified locations in the community independently, or with supervision and support other than that provided by agency employees. The individual service plan must state the periods of time and restrictions on activities when at home, and locations and time frames for accessing the community. The individual will successfully complete an assessment demonstrating the skills necessary to assure his or her safety, and this must be part of the individual's record. This should occur only as part of the individual's habilitation/treatment process, and not to accommodate staffing concerns.

(Source: Amended at 23 Ill. Reg. 9791, effective Aug 13, 1999)

Section 115-240 Medical services and medications

When medical services and/or medications are provided, or their administration is supervised, by employees staff or consultants of the licensed agency, the licensed agency shall certify that they are provided or their administration is supervised in accordance with the Medical Practice Act of 1987 and the Nursing

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and Advanced Practice Nursing Act. The agency shall additionally document:

a) A physician shall be responsible for the medical services provided to individuals, and the medication management of individuals' medications.

b) A licensed prescriber physician shall prescribe and monitor all prescription medications.

c) A physician shall perform an examination of the individual prior to the initiation of psychotropic medications.

d) Screening for and documentation of abnormal involuntary movements, including tardive dyskinesia, in individuals receiving prescribed psychotropics shall be completed at least every six months by employees personnel trained in performing this type of assessment.

e) A physician shall review the medications prescribed and shall see the individual at least every six months, and every three months if psychotropic medications have been prescribed. Physician documentation within the individual's record shall include, but is not limited to, the following:

1) Rationale for continuing current medications and/or initiating new medications; and

2) Medication side effects.

f) A physician or registered professional nurse shall review and approve:

1) The ability of the individual to self-administer medications. Ability to self-administer medication shall be reassessed at least quarterly for individuals with mental illness (including those dually diagnosed with a mental illness and a developmental disability) and at least annually for individuals with a developmental disability; and

2) The responsibility for scope of and expected time frames for the individual's self medication training program.

g) A psychiatrist shall either review psychotropic medications or be available for consultation when psychotropic medications have been prescribed.

h) All medications are labeled.

i) Individuals who are able to self-medicate--as assessed--by--a physician shall have access to their medications.

j) When agencies supervise the self-administration of medications or administer the medications, medications shall be secured from unauthorized access and only a physician, pharmacist, registered or licensed practical nurse or agency employee personnel authorized to supervise the self-administration of medications shall have access to medications.

k) A physician or pharmacist shall be available to consult, at least monthly, with the QMP or QMPH in reference to staff's behavioral or other observations relating to the individual's level, dosage, and types of side effects from any prescribed medications.

l) A physician or pharmacist shall make available to employees service staff--professionals, family and individuals information on expected consequences, potential benefits and side effects of any prescribed

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medication.

(Source: Amended at 23 Ill. Reg. 9791, effective Aug 13 1999)

Section 115.250 Individual rights and confidentiality

To ensure insure that the individuals' rights are protected and that all services provided to individuals comply with the law, agencies licensed to certify CIAs shall ensure ensure that a written statement, in a language the individual understands, is given to each individual and guardian specifying the individual's rights. All individuals enrolled in the Medicaid DD Waiver shall be given a written copy of DHS Medicaid Home and Community-Based Services DD Waiver, Rights of Individuals.*

a) Employees shall inform individuals entering a CIA program of the following: The rights of individuals shall be protected in accordance with Chapter 2 of the Code except that the use of section shall not be permitted.

1) The rights of individuals shall be protected in accordance with Chapter II of the Code except that the use of seclusion will not be permitted.

2) The right of individuals to confidentiality shall be governed by the Confidentiality Act.

b) The right of individuals to confidentiality shall be governed by the Act.

c) Staff shall inform individuals entering a CIA program of the following:

x) Their rights in accordance with subsections (a) and (b) of this

3) their rights to remain in a CIA unless the individuals voluntarily withdraw or meet the criteria set forth in Section 115.215.7

4) their right to contact the Guardianship and Advocacy Commission, Equip for Equality, Inc., the Department's Office of Inspector General, the agency's human rights committee and the Department. Employees staff shall offer assistance to individuals in contacting these groups giving each individual the address and telephone number of the Guardianship and Advocacy Commission, the Department's Office of Inspector General, the Department, and Equip for Equality, Inc.7

4) this information shall be given to the individuals or guardians in a language which they understand;

d) Staff advise of the individual's rights and justification for any restriction of individual rights shall be documented in the individual's record.

5) Every individual receiving a CIA services has the right to shall be free from abuse and neglect.

e) Individuals or guardians shall be permitted to present grievances and

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to appeal adverse decisions of the agency and other service providers up to and including the authorized agency representative. The agency representative's decision on the grievance shall constitute a final administrative decision and shall be subject to review in accordance with the Administrative Review Law (735 ILCS 5/Art. III).

6) For all individuals enrolled in the Medicaid DD Waiver, their rights to present grievances and to appeal adverse decisions of the agency are detailed in 59 Ill. Adm. Code 120.

d) Individuals shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.

(Source: Amended at 23 Ill. Reg. 9791, effective Aug 13 1999)

Subpart C: GENERAL AGENCY REQUIREMENTS

Section 115.300 Environmental management of living arrangements

a) For individuals who receive intermittent supervision and supports and choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall assist individuals in selecting, obtaining and maintaining CIAs which afford safety and basic comfort. Such assistance shall include, but is not limited to:

1) performing visual inspections;

2) purchasing and maintaining in working order safety devices, i.e., smoke detectors, door locks, when needed; and

3) advocacy with the landlord to encourage compliance with applicable codes.

b) For individuals who choose to reside in living arrangements owned or leased by an agency, the licensed agency shall insure that buildings containing owned or leased living arrangements shall comply with locally adopted building codes as enforced by local authorities and the applicable chapters of the editions of the NFPA 101, Life Safety Code (National Fire Protection Association, 1991 1985), as cited in the rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code

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100 and any local fire codes that are more stringent than the NFPA as applicable as enforced by local authorities or the Office of the State Fire Marshal,--if local authorities are unavailable. An agency shall make available the report of document that a--format--request--for an inspection that has been made by to the local authorities or to the Office of the State Fire Marshal prior to providing services to any individual in any opening--a CILA site placement. Non-compliance may be shown by evidence of administrative or judicial action taken against the owners (owners) of a building for violations (violations) of the applicable housing code within the previous two months, or a letter indicating non-compliance with NFPA life/safety requirements from the local authorities or the Office of the State Fire Marshal.

c) Each living arrangement shall meet standards as identified in local life/safety and building codes. Living arrangements specified in subsection (b) of this Section shall also meet the following additional standards:

1) Each living arrangement shall have a smoke detection system which complies with the Smoke Detector Act (425 ILCS 65).

2) No more than eight individuals shall be served in any site living arrangement.

3) There shall be documentation that living arrangements are annually inspected quarterly by the licensed CILA agency to insure safety, basic comfort and compliance with this Part.

4) Bath and toilet rooms

A) At least one bathroom shall be provided for each four individuals. A bathroom shall include a toilet, lavatory, and tub or shower.

B) Bathrooms shall be located and equipped to facilitate independence. When needed by the individual, special assistance or devices shall be provided.

C) Bathing and toilet facilities shall provide privacy.

5) Bedrooms

A) Each single individual bedroom shall have at least 75 square feet of net floor area, not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.

B) Each multiple bedroom shall accommodate no more than two individuals and each bedroom for two individuals shall have at least 55 square feet of net floor area per individual not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.

C) Storage space for clothing and other personal belongings shall be provided for each individual.

D) Each bedroom shall have:

i) Walls that extend from floor to ceiling;

ii) A fire-graded mattress and box spring that is suitable to the size of the individual which provides support and comfort, if beds are provided by the agency;

iii) At least one outside window; and

iv) Electrical light sufficient for reading (a minimum of 40 footcandles).

E) Bedrooms shall maintain a dry and comfortable environment.

F) In living arrangements where more than one individual resides, traffic to and from any room shall not be through an individual's bedroom.

6) The agency shall ensure that:

A) Living arrangements shall be safe and clean within common areas and within apartments over which the agency has control.

B) Living arrangements shall be free from vermin.

C) Waste and garbage shall be stored, transferred and disposed of in a manner that does not permit the transmission of diseases.

D) Private water systems shall comply with 77 Ill. Adm. Code 900 (Drinking Water Systems Code).

E) Copies of inspections when performed by local and State inspectors in regard to health, sanitation and environment shall be maintained.

7) The agency shall develop, implement and maintain a disaster preparedness plan which shall be reviewed annually, revised as necessary, and ensure that:

A) Records and reports of fire and disaster training are maintained;

B) A record of actions taken to correct noted deficiencies in disaster drills or inspections is maintained;

C) Employees and any other person, compensated or in a volunteer capacity, with responsibility for individuals served shall know how to react to fire, severe weather, missing persons, psychiatric and medical emergencies, poison control and deaths;

D) Individuals know how to react to situations identified in subsection (c)(7)(C) of this Section or are receiving training;

E) Employees and any other person, compensated or in a volunteer capacity, with responsibility for individuals served shall know how to react to fire, severe weather, fire-fighting equipment, first aid kits, evacuation routes and procedures; and

F) A telephone is available with a list stating the telephone numbers of the nearest poison control center, the police, the fire department and emergency medical personnel or an indication that 911 is the appropriate number to call.

8) The agency shall implement procedures for evacuation which ensure that:

A) Evacuation drills are conducted at a frequency determined by the agency to be appropriate based on the needs and abilities of individuals served by the particular living

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- arrangement but no less than on each shift annually.
- B) Special provisions shall be made for those individuals who cannot evacuate the building without assistance, including those with physical disabilities and individuals who are deaf and/or blind.
- C) All employees personnel are trained to carry out their assigned evacuation tasks.
- D) Inefficiency or problems identified during an evacuation drill shall result in specific corrective action.
- E) Evacuation drills shall include actual evacuation of individuals to safe areas.
- 9) At least one approved fire extinguisher shall be available in the residence, inspected annually and recharged when necessary.
- 10) First aid kits shall be available and monitored regularly by the agency.
- d) For individuals who receive continuous supervision and support choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall ensure that the living arrangements comply with all the requirements of subsection (c) of this Section except subsections (c)(4), (5), (6)(B), (6)(D), (7)(B), (7)(E) and (10).
- e) Prior to a new site owned or leased by the agency being occupied and prior to a foster care site accepting individuals receiving services, the site must be reviewed by OAH and determined to be in compliance with this Part. Site reviews will be completed within 10 working days after all necessary documentation has been received, e.g., current fire clearances. All sites as described in this subsection will be reviewed at least once during the three year period of licensure to determine on-going compliance with this Part.

(Source: Amended at 23 Ill. Reg. 9791, effective Aug 13 1999)

Section 115.310 Geographic location of community-integrated living arrangements

- a) CIAs sites ~~effas~~ shall be located to enable individuals to participate in and be integrated into their community and or neighborhood. Homes shall be typical of homes in the community and residential or neighborhood and their inclusion should not appreciably alter the characteristics of the neighborhood.
- b) CIA sites ~~effas~~ shall be located to promote integration of individuals with mental disabilities within the range of communities throughout the State, and to avoid concentrating individuals in CIAs in a neighborhood or community.
- c) ~~in-counties-with-less-than-500,000-population~~ CIAs owned or leased by an agency and funded by the Department shall not be located within a distance of 800 ~~7320~~ feet, measured via the most direct driving route

~~in-any-direction, from any other setting licensed or funded to provide residential services for persons with a developmental disability or mental illness. Effas-unless local zoning-regulations allow Effas to be-located-closer-together---in-counties-with-populations-over-500,000 a-building-with-any-Effas-owned-or-leased-by-an-agency-shall-not-be located-within-600-feet-measured-in-any-direction-from-any-building with-any-CIA-owned-or-leased-by-an-agency-in-those-neighborhoods where-500-or-more-of-the-housing-is-multi-unit-dwellings---No When an agency owns or leases a multi-unit building, or owns or leases units within a multi-unit building, no more than 8 individuals shall reside in CIAs owned or leased by an agency in each building. These location requirements may not apply to sites in existence on August 13, 1999. Agencies with such sites may request waiver of these requirements. Any such request must be submitted in writing to OAH and will be reviewed based upon the citation in Section 115.310(e). In all-other-neighborhoods-in-those-counties-Effas-owned-or-leased-by-an agency-shall-not-be-located-within-a-distance-of-1,320-feet-measured in-any-direction-from-any-Effas.~~

- d) Nothing in this Part shall be construed to interfere with the right of individuals with mental disabilities to choose where they rent or buy housing.
- e) If an agency requests a waiver of Section 115.310(c), the agency shall present to the Department its rationale for the waiver request, including evidence of efforts to comply with Section 115.310(c). The request must be submitted before the agency leases, purchases or takes possession of the property to be used as a CIA or in the case of any agency having possession of the property, before the property is used as a CIA site. The Department shall grant the waiver for the duration of the CIA if it determines that the granting of the waiver would meet the following criteria:
- 1) It is consistent with the goal of community integration of individuals with disabilities in that the requested arrangement promotes or at least does not diminish individuals' opportunities and probabilities of interacting with neighbors without a disability and otherwise participating in neighborhood and community activities;
 - 2) It is consistent with Section 115.310(a), (b) and (d); and
 - 3) In the case of CIA sites existing prior to August 13, 1999, impact on individuals currently residing there caused by relocating can be shown to be negative.
- f) The Department shall issue a decision on waivers requested under subsection (d) of this Section within five working days after receipt of the written request.
- g) If the Department denies a waiver request, the agency may request a hearing in accordance with Section 115.470. At the hearing, the Department shall have the burden of proving that there was substantial evidence to support the decision to deny the waiver.

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(Source: Amended at 23 Ill. Reg. **0701**, effective
AUG 13 1999)

Section 115.320 Administrative requirements

- a) Governing body
 - 1) Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and all programs, services, facilities and residences it administers.
 - 2) Each agency shall have provisions for obtaining input from consumers and/or consumer representatives to the governing body.
- b) Staffing
 - 1) Mental health and developmental disabilities employees **staff** shall be licensed or certified as required by Illinois laws.
 - 2) When paraprofessional or untrained employees **staff** are used in direct services, they shall be supervised in the provision of services by professional employees **staff**.
 - 3) An agency shall not employ an individual in any capacity, until the agency has inquired of the Department of Public Health as to information in the Nurse Aid Registry concerning the individual. If the Registry has information of a substantiated finding of abuse or neglect against the individual, the agency shall not employ him or her in any capacity.
- c) General Program requirements

Agencies funded by the Department shall meet the following general program requirements for all funded services:

 - 1) Service setting

Services shall be provided in the setting most appropriate to the needs of and reflecting the preferences of the individual. This may include the individual's home, the agency, or the community. All settings shall be used innovatively in order to reach the target populations.
 - 2) Recordkeeping
 - A) Cumulative case records including an individualized service plan shall be maintained for each individual.
 - B) The individualized service plan shall state the goals ~~goal(s)~~ for each individual. The individual shall be afforded the opportunity and encouraged to participate in goal/objective selection. Goals/objectives shall include timeframes specified by the agency's professional employees **staff**, in consultation with the individual and relevant collaterals. "Individualized service plan" as used herein, refers to and is equivalent to "individual treatment plan" and "individual habilitation plan".
 - 3) Behavior management and human rights review

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Each agency is required to establish or ensure a process for the periodic review of behavior intervention and human rights issues involved in the individual's treatment and/or habilitation. Agencies required to have behavior intervention and human rights review policies and procedures under licensure or certification standards shall continue to comply with those standards.

- 4) Abuse and neglect

Each agency shall have and use a process for reporting and handling instances of abuse and neglect in accordance with applicable standards, regulations and laws that shall include notification of the individual allegedly abused or neglected and his or her guardian or parent of the allegation with 24 hours after receiving the allegation.
- 5) Admission to programming
 - A) Agencies shall not discriminate in the admission to and provision of needed services to individuals on the basis of race, color, sex, religion, national origin, ancestry, or disability.
 - B) Admission policies and procedures shall be set forth in writing and be available for review.
- 6) Compliance with life safety standards and requirements

All program facilities shall be in compliance with applicable State licensure requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements.
- 7) Personnel requirements
 - A) A licensed physician (MD or DO) shall assume medical and legal responsibility for medical services offered in any program, including prescription of medications.
 - B) All services shall be provided by appropriately trained employees **staff**, operating under the supervision of qualified clinical professionals.
- 8) Mandated services
 - A) Mandated services shall be provided according to the requirements as stated in the Department's rules at 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare).
 - B) The Department shall monitor the provision of mandated follow-up monitoring services as outlined in 59 Ill. Adm. Code 125.
- 9) Utilization review

Utilization review is the ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding the individual's assessment, eligibility for service and appropriateness of services rendered. Agencies shall engage in a utilization review process for all program services.
- 10) Visits to programs

The agency shall ensure that Department-authorized consumer

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interest groups shall be permitted, with the consent of individuals, to visit agencies and living arrangements owned or leased by an agency.

d) Training Staff--training

1) Direct service employees and any other compensated persons with responsibility for direct care of individuals served staff shall demonstrate competence in training areas listed in subsections (d)(1)(A) through (M) receive--training as a part of an orientation program. Anyone specified in this subsection (d)(1) Staff without previous experience in direct service to individuals shall receive training and demonstrate competence prior to unsupervised responsibility for direct service unless trained employees personnel are on site and available for on-the-job training. Direct service providers as specified above staff who have completed training in the below mentioned areas, and demonstrated competence as documented in their personnel records, shall not be required to repeat that training as part of their orientation. Anyone specified in this subsection (d)(1) who has not staff--without demonstrated competence shall receive training until he or she can demonstrate competence in the following areas, as recorded in his or her their--personnel records. All direct service employees and any other compensated persons, regardless of staffing model, shall receive training and demonstrate competence as documented in employee records in the following training areas:

- A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
- B) Concepts of treatment, habilitation and rehabilitation including behavior management, normalization, age appropriateness and psycho-social rehabilitation depending on the needs of the individuals served or to be served;
- C) Safety, fire, and disaster procedures;
- D) Abuse, neglect and unusual incident prevention, handling and reporting;
- E) Individual rights in accordance with Chapter II 2 of the Code and maintaining confidentiality in accordance with the Confidentiality Act;
- F) The nature and structure of the individual integrated services plan;
- G) The type, dosage, characteristics, effects and side effects of medications prescribed for individuals. The agency shall assure that there is sufficient training in this area to provide coverage during expected and unexpected absences of caregivers by others who have been determined competent;
- H) Screening for involuntary muscular movement, which may be indicative of tardive dyskinesia;
- I) Development and implementation of an individual integrated services plan;

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- J) Formal assessment instruments used and their role in the development of the services plan;
- K) Documentation and recordkeeping requirements with reference to the services plan; and
- L) Other training which relates specifically to the type of disability or treatment and intervention techniques being used specific to individuals living in CIAs geared toward assisting employees to staff execute objectives obtained in the services plans; and-
- M) The techniques associated with monitoring and regulating hot water temperatures prior to and during an individual's use to ensure safe hand-washing, hair-washing, bathing and showering procedures.

2) After completion of training specified in subsection (d)(1) of this Section, each direct service employee staff--member shall participate in ongoing employee staff development activities as outlined in the agency's employee staff development plan.

3) All training shall be documented in--each--employee's--personnel record and shall be readily available for review by Department supervisors.

4) The agency shall implement a written training plan which lists training to be offered to meet the requirements of this Part, and the methods used for completion of any required training, and the process used to determine competency.

e) Volunteer training

The agency shall provide an orientation and training program for volunteers specific to volunteer duties and shall provide staff supervision as necessary. Volunteers with responsibility for care of individuals served must complete and demonstrate competency in the training areas specified in subsection (d) above.

f) Quality assurance

1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.

2) The agency's quality assurance program shall be the basis for annually certifying to the Department that individuals are receiving appropriate community-based services consistent with their services plans, that all programs and services are supervised by the agency, and comply with this Part.

- A) If a certified CIAA does not continue to meet standards, the agency shall correct deficiencies within 30 days; or
- B) If deficiencies in a certified CIAA cannot be corrected within 30 days, the agency shall withdraw certification of the CIAA program in question and notify the Department. The agency shall remain responsible for those individuals who live in or lived in the affected CIAA.

g) Unusual incidents

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- 1) The agency shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the agency's management structure, up to and including the authorized agency representative. The agency shall ensure that employees **staff** demonstrate their knowledge of, and follow, such policies and procedures. Unusual incidents **which** shall include, but are not limited to, the following:
 - A) Sexual assault;
 - B) Abuse or neglect;
 - C) Death;
 - D) Physical injury;
 - E) Assault;
 - F) Missing persons;
 - G) Theft; and
 - H) Criminal conduct.
- 2) Within 24 hours of occurrence the agency shall report any incident which is subject to the Criminal Code of 1961 [720 ILCS 5] to the local law enforcement agencies.
- 3) The agency shall ensure that suspected instances of abuse or neglect against individuals in programs which are licensed by the Department are reported to the Office of Inspector General (Section 6.2 of the Abused and Neglected Long Term Facility Residents Reporting Act [210 ILCS 30/6.2]).

h) Individuals' records

- 1) The agency shall ensure the confidentiality of individuals' records in accordance with the Act and shall ensure safekeeping of all records against loss or destruction.
- 2) The agency shall maintain a chronological record for each individual. Records shall be located at the program site at which individuals are being served.
 - A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.
 - B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.
 - C) When symbols or abbreviations are used, the agency shall provide a legend to explain them which shall be standardized throughout the agency.
- 3) On an individual's entry into the agency, the following information shall be obtained, recorded and updated as necessary in the individual's record:
 - A) Identifying information including name, date of birth, sex, race, social security number and legal status;
 - B) The name, address and telephone number of the legal guardian or the person to be notified in case of an emergency;
 - C) The language spoken or understood by the individual including, in the case of an individual who is hearing impaired, the individual's preferred mode of communication,

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- e.g., American sign language, signed English, aural, oral or tactile communications device;
- D) Prescribed medications, reactions and side effects to medications, allergies to foods, other medications and substances;
 - E) Physical and dental examinations, and medical history;
 - F) Consent to receive emergency medical services; and
 - G) Copies of the authorization for release of information.
- 4) The following shall be entered in the individual's record during the period of service:
 - A) Written informed consent by the individual or guardian to participate in a CILA;
 - B) Prior service history;
 - C) Initial assessment and individual integrated services plan, and reassessments, and individual integrated services plan as described in Section 115.230(f)-through-(f);
 - D) Documentation of approval to use special procedures and the results of their use;
 - E) Progress notes, which shall be entered chronologically and at least monthly, documenting the individual's involvement in and response to the services plan.
 - 5) Electronic signature or computer-generated signature codes are acceptable as authentication of record content.
 - A) In order for an agency to employ electronic signatures of computer-generated signature codes for authentication purposes, the agency must adopt a policy that permits authentication by electronic or computer-generated signature.
 - B) At a minimum, the policy shall include adequate safeguards to ensure confidentiality of the codes, including, but not limited to, the following:
 - i) Each user must be assigned a unique identifier that is generated through a confidential access code.
 - ii) The agency must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.
 - iii) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - iv) The agency must monitor the use of identifiers periodically and take corrective action as needed. The process by which the agency will conduct

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monitoring shall be described in the policy.

- C.) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:

i) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.

ii) The system must make an opportunity available to the user to verify that the document is accurate and the signature has been properly recorded.

iii) The agency must periodically sample records generated by the system to verify the accuracy and integrity of the system.

- D.) Each report generated by a user must be separately authenticated.

- i) Financial and operational requirements
Agencies licensed to provide CITAs shall comply with Department rules regulating their contractual and financial relationship with the Department 59-441-Adm-Code-493-4646(1).

(Source: Amended 3 reg. 22 Ill. Reg. 9791, effective 1/1/93)

Section 115.321 Application for waiver of the prohibition against employment

- a) Hiring of direct care employees personnel:

An agency shall not knowingly hire or retain any person after January 1, 1998 1997 in a full-time, part-time or contractual direct care position if that person has been convicted of committing or attempting to commit one or more of the following offenses unless the applicant or employee obtains a waiver pursuant to subsections (1) through (1) of this Section (Section 25 of the Health Care Worker Background Check Act (225 ILCS 46/25)):

- 1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1 through 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1 through 9-3.3]);
- 2) Solicitation of murder and solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);
- 3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7

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of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5 and 10-7]);

- 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1 and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1 and 10-4]);

5) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7]);

6) Sexual assault or abuse (Sections 12-13, 12-14, 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-15 and 12-16]);

7) Indecent solicitation of a child (Section 11-6 of the Criminal Code of 1961 [720 ILCS 5/11-6]);

8) Predatory criminal sexual assault of a child (Section 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-14.1]);

9) Sexual exploitation of a child (Section 11-9.1 of the Criminal Code of 1961 [720 ILCS 5/11-9.1]);

10) Exploitation of a child (Section 11-19.2 of the Criminal Code of 1961 [720 ILCS 5/11-19.2]);

11) Child pornography (Section 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-20.1]);

12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6]);

13) Cruelty to children (Section 93 of the Criminal Jurisprudence Act [720 ILCS 115/53, repealed by P.A. 89-234, effective January 1, 1996]);

14) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

15) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

16) Theft, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.3, 16A-3, 18-1, 18-2, 18-3 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/16-1, 16-1.3, 16A-3, 18-1, 18-2, 19-1 and 19-3]);

17) Aggravated robbery (Section 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-5]);

18) Criminal trespass (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4]);

19) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11]);

20) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1]);

21) Unlawful use of weapons or aggravated discharge of a firearm (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2]);

22) Armed violence (Section 33A of the Criminal Code of 1961 [720

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ILCS 5/33a.1)

- 23) Heinous battery (Section 12-4.1 of the Criminal Code of 1961 [720 ILCS 5/12-4.1]);
- 24) Tampering with food, drugs or cosmetics (Section 12-4.5 of the Criminal Code of 1961 [720 ILCS 5/12-4.5]);
- 25) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 12-7.4]);
- 26) Ritual mutilation and ritualized abuse of a child (Section 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 5/12-33]);
- 27) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3]);
- 28) Vehicular hijacking and aggravated vehicular hijacking (Sections 18-3 and 18-4 of the Criminal Code of 1961 [720 ILCS 5/18-3 and 18-4]);
- 29)† Manufacture, delivery or trafficking of cannabis (Sections 5, 5.1 and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9]); and
- 30) Delivery of cannabis on school grounds (Section 5.2 of the Cannabis Control Act [720 ILCS 550/5.2]);
- 31) Delivery of cannabis by a person at least 18 years of age to a person under 18 who is at least three years his or her junior (Section 7 of the Cannabis Control Act [720 ILCS 550/7]); and
- 32)†† Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1]).

b) Definitions

For the purposes of this Section, the following terms are defined:

"Applicant." A person seeking employment with an agency who has received a bona fide conditional offer of employment.
(Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Conditional offer of employment." A bona fide offer of employment by an agency to an applicant, which is contingent on the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (32) †† of this Section.
(Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Direct care." The provision of nursing assistance with meals, dressing, movement, bathing, or other personal needs of maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is

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incapable of maintaining a private, independent residence or who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.
(Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Initiate." The obtaining of the authorization for a record check from a student, applicant, or employee. The provider shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Nurse Aide Registry." The registry of nurse aides kept by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act [210 ILCS 45/3-206.01].

"UCIA." The Uniform Conviction Information Act [20 ILCS 2635].

c) Nurse Aide Registry

For all applicants for nurse aide positions, the agency shall check the Nurse Aide Registry to determine the date of the applicant's last UCIA criminal history record check. If it has been more than one year since the records check, the agency must initiate or have initiated on its behalf a UCIA criminal history record check for the nurse aide.
(Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])

d) Conditional offers

Effective January 1, 1996, if the agency makes a conditional offer of employment to an applicant other than a nurse aide who is not exempt under subsection (m) of this Section for a direct care position, the provider shall initiate or have initiated on its behalf a UCIA criminal history record check except as provided for in subsection (e)(2) of this Section. (Section 30(c) of the Health Care Worker Background Check Act [225 ILCS 46/30(c)])

e) Initiation of UCIA criminal history record check

- 1) By January 1, 1997 the agency must initiate a UCIA criminal history record check for all direct care employees who were hired before January 1, 1996, who have not already had a UCIA criminal history record check and who are not exempt in accordance with subsection (m) of this Section. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])
- 2) If the agency initiated a criminal background check on an employee hired after January 1, 1996 and before January 1, 1997, the agency does not need to initiate an additional criminal history record check to determine if the employee has a record of conviction of any of the offenses enumerated in subsections

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(a)(2), (7), (9) through (13), (17), (19), (22) through (28), (30) and (31) of this Section. (Section 25.1 of the Health Care Worker Background Check Act [225 ILCS 46/25.1])

f) Request for UCIA criminal history record check. The agency shall request the UCIA criminal history record check in accordance with the requirements of the Department of State Police. (See 20 Ill. Adm. Code 1265.) The agency shall notify the applicant or employee of the following whenever a non-fingerprint UCIA criminal history record search is made. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30]):

- 1) That the agency shall request or have requested on its behalf a UCIA criminal history record check pursuant to the Health Care Worker Background Check Act;
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (j)(1) of this Section;
- 3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (32) ¶¶4 of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (j)(1) of this Section;
- 6) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (32) ¶¶4 of this Section unless the record is cleared based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (j)(1) of this Section.
- g) Conditional employment. The agency may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act [225 ILCS 46/30(g)])

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h) Request for fingerprint-based UCIA criminal records check. An applicant, employee, or nurse aide whose UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses enumerated in subsections (a)(1) through (32) ¶¶4 of this Section may request that the agency commence a fingerprint-based UCIA criminal records check by submitting information in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1265) within 30 days after receipt of the criminal records report to validate identity and clear one's record. (Section 35 of the Health Care Worker Background Check Act [225 ILCS 46/35])

- i) Eligibility for waiver
 - 1) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment. (Section 40 of the Health Care Worker Background Check Act [225 ILCS 46/40])
 - 2) The Department may grant a waiver based on any mitigating circumstances, which may include but not be limited to:
 - A) The applicant's, employee's or nurse aide's age at the time that the crime was committed;
 - B) The circumstances surrounding the crime;
 - C) The length of time since the conviction;
 - D) The applicant or employee's criminal history since the conviction;
 - E) The applicant or employee's work history;
 - F) The applicant or employee's current employment references;
 - G) The applicant or employee's character references;
 - H) Nurse Aide Registry records; and
 - I) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, recipients or clients. (Section 40(b) of the Health Care Worker Background Check Act [225 ILCS 46/40(b)])
- j) Application for waiver
 - 1) If the applicant, employee or nurse aide wishes to request a waiver, the request shall be submitted within 5 calendar days after receipt of the criminal records report. A complete waiver request shall include the following:
 - A) A statement specifying any mitigating circumstances (see subsection (i)(2) of this Section) the person believes are relevant to the employment in question; and
 - B) Either:
 - 1) Information necessary for the Department to obtain a fingerprint-based UCIA criminal records check, including a suitable set of fingerprints, in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1265), the fee for such a check (which shall not exceed the actual cost of the

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check) and the findings of the required non fingerprint-based UCIA criminal records check conducted by the Department of State Police; or

- ii) The report of the results of the fingerprint-based UCIA criminal records check done pursuant to subsection (h) of this Section.

- 2) Agency employees ~~staff~~ may assist the applicant, employee or nurse aide in completing the application.
- 3) The waiver request shall be submitted to:

Accreditation, Licensure and Certification Office--of Accreditation-and-licensure
Department of Human Services
405 Stratton Building
Springfield IL 62765

k) Waiver decision

- 1) The waiver request shall be reviewed by a panel of staff. The Department shall return a decision to the applicant, employee, or nurse aide and the provider within 30 calendar days after receipt of the completed waiver request including receipt of a report from the State Police based on the fingerprint-based record check.

- 2) The agency is not obligated to hire or offer permanent employment to an applicant or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act (225 ILCS 46/40(f))

- 3) The Department shall be immune from liability for any waivers granted. (Section 40(e) of the Health Care Worker Background Check Act (225 ILCS 46/40(e)))

1) Appeal of the decision

- 1) The applicant, employee, or nurse aide may request further review of his or her request for a waiver within 30 calendar days after the receipt of the Department's denial of the waiver.
- 2) The applicant, employee, or nurse aide may submit additional documentation of the mitigating circumstances.
- 3) The appeal shall be submitted to:

Director Office-of-the-Secretary
Division of Disability and Behavioral Health Services
Department of Human Services
100 South Grand Avenue East
Springfield IL 62762 62765

- 4) The Director Secretary shall act on the appeal within 30 calendar days after receipt of the appeal and shall issue a final decision granting or denying the waiver request.

m) This Section *shall not apply to:*

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- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law; or
- 2) An individual employed or retained by the agency as defined by Section 15 of the Health Care Worker Background Check Act (225 ILCS 46/15) for whom a criminal background check is required by another law of this State. (Section 20 of the Health Care Worker Background Check Act (225 ILCS 46/20)):

n) The agency shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for an individual employed as a nurse aide within 10 working days after receipt of the results. (Section 30(b) of the Health Care Worker Background Check Act (225 ILCS 46/30(b)))

- o) The agency shall retain on file for a period of five years records of criminal records requests for all employees. The files shall be subject to inspection by the OLC Department--office-of-accreditation-and-licensure. The agency shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. A fine of \$500 may be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act (225 ILCS 46/50))

(Source: Amended at 22 Ill. Reg. 9791, effective AUG 13 1999)

Section 115.325 Monitoring and evaluation

The agency shall agree to participate in a monitoring and evaluation system as described in the contractual agreement between the Department and the agency.

a) Evaluation methodologies

Agencies shall develop evaluation methodologies that address the issues of the effective and efficient use of program resources; for example, quality assurance, utilization review, and professional services review organization. The agency shall also provide documentation of the implementation of these evaluation methodologies and demonstrate how the information gained through evaluation efforts is used in the planning process. The Department shall review and provide consultation in this evaluation effort.

b) Monitoring

Monitoring is the review of the agency's compliance with contractual obligations, applicable statutes and administrative rules and ~~regulation~~ ensuring that departmental funds are spent appropriately for services as specified in the contractual agreement. Monitoring may include desk review and site review of agency performance.

(Source: Amended at 22 Ill. Reg. 9791, effective AUG 13 1999)

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Section 115.330 Accreditation

- a) Agencies demonstrating accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 115.120 of this Part shall be granted deemed status for the following Sections of this Part:

- 1) Section 115.220(b) through (f);
- 2) Section 115.230(a) through (d), (e)(1) through (e)(3), (e)(4)(A) through (e)(4)(C), (e)(4)(E) and (F), (g) through (1);
- 3) Section 115.240(a) through (d) and (h) ¶¶ through (1) ¶¶;
- 4) Section 115.250(d) and (e) ¶¶ through (1) ¶¶ and (2) ¶¶;
- 5) Section 115.320(a) through (b)(2), (c), (e) ¶¶ (f) and (h) and (i) and (j) ¶¶.

- b) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the agency to the Department.

- c) If the agency's accreditation status changes for any reason, the agency shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Amended at 23 Ill. Reg. 9791, effective 10/13/99)

SUBPART D: LICENSURE REQUIREMENTS

Section 115.410 License application Issuing a license and period of licensure

- a) Forms

- 1) Agencies shall apply by completing obtain application forms available from to operate CHAs under this Part by writing to:

Accreditation, Licensure and Certification Office--of
Accreditation and Licensure
Department of Human Services
405 Stratton Building
Springfield, IL 62765

- 2) The application shall require agencies to certify that individuals being served and programs and services provided in CHAs comply with Section 4 of the Community-Integrated Living Arrangements Licensure and Certification Act, Chapter 2 of the Code, the Confidentiality Act and this Part. In addition, the application shall request information about:

- A) The agency, including the type of ownership, the names of all owners, partners and stockholders;
- B) The individuals being served or to be served in the CHAs supervised by the agency including their disability and diagnosis, the kind of supervision received and whether

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- individuals are in living arrangements owned or leased by the agency. Also, the application shall require agencies to identify if individuals are visually or hearing impaired and/or non-ambulatory;

- c) The living arrangements used as CILA sites CHAs including site addresses and telephone numbers.

- 3) The authorized agency representative shall sign and date the application forms.

- b) Fees
The Department shall charge a licensure fee up to \$200 as provided by Section 4(d) of the Community-Integrated Living Arrangements Licensure and Certification Act.

- c) Renewal

- 1) On Department notification, each licensed agency shall submit a signed and dated renewal application at least 120 days prior to expiration of the license.

- 2) Agencies in substantial compliance with this Part shall be relicensed for an additional three-year period;

- 3) If the Department does not approve an application for license renewal, it shall notify the applicant in writing 30 days prior to the expiration of the license.

- 4) Notice of the Department's decision not to renew a license shall include a clear and concise statement of the reason on which the determination is based and notice of the opportunity for a hearing.

(Source: Former Section 115.410 renumbered to Section 115.430 and former Section 115.420 renumbered to Section 115.410 and amended at 23 Ill. Reg. 9791, effective 10/13/99)

Section 115.420 Application acceptance and verification License application

- a) Applications for licensure or licensure renewal shall be deemed received by the Department on the postmarked date.

- b) The application shall include signature and date.

- c) The Department shall notify an agency of any error or omission made in the submission of an application for licensure within 30 days. Failure of the Department to respond shall not constitute a waiver of the requirements. If the agency fails to respond to the notice within 30 days after the postmark date, the Department shall terminate the application process and notify the agency within 30 days.

- d) The Department shall either approve or disapprove a completed application within 60 days after its receipt. If an application is incomplete, the Department shall notify the applicant of the status.

- e) The Department may verify information supplied in licensure applications.

- f) The Department will not accept an application for a period of two years from an agency, or the principals of an agency now doing

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business under another name, when the original agency license was revoked or services were terminated while the agency was not in good standing.

(Source: Former Section 115.420 renumbered to Section 115.410 and former Section 115.430 renumbered to Section 115.420 and amended at 23 Ill. Reg. 9791, effective Aug 13 1999.)

Section 115.430 Issuing a license and period of licensure Application acceptance and verification

- a) On Upon receipt of a completed application and verification of the agency's compliance with this Part, the Department shall issue a license which will authorize agencies to certify that programs provided in CILAs comply with the Code, the Confidentiality Act and this Part. ~~The application shall include a signature and date, and verification of the agency's compliance with this Part.~~
- b) The Department shall conduct surveys of licensed agencies and their certified programs and services. The Department shall review the records or premises, or both, as it deems appropriate for the purpose of determining compliance with the Community-Integrated Living Arrangements Licensure and Certification Act, the Code, the Confidentiality Act, and this Part.

1) The Department shall conduct scheduled surveys to determine compliance at the time of initial licensure, license renewal, and at least annually and may shall conduct unscheduled surveys to investigate allegations or complaints.

2) Determination of compliance with the service requirements contained in Subpart B of this Part shall be based on a survey ordered on the individual which samples services being provided.

3) Determination of compliance with the general agency requirements contained in Subpart C of this Part shall be based on a review of agency records and observation of individuals and staff.

- c) On Initial application to the Department, the Department may issue a provisional license temporary permit to an applicant for a one year six-month period to allow the holder of such license permit reasonable time to become eligible for a full license. (Section 4(f) of the Community-Integrated Living Arrangements Licensure and Certification Act) During the provisional license period, the agency may be limited in the number of individuals it may serve and the number of sites it may supervise pending a determination of eligibility for full licensure.

d) If an agency requests a waiver of Section 115.310(c) the agency shall present to the Department its rationale for the waiver request including evidence of efforts to comply with Section 115.310(c). The request must be submitted before the agency leases, purchases or takes possession of the property to be used as a CILA. The Department shall grant the waiver for the duration of the CILA if it determines that

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the granting of the waiver would meet the following criteria:
1) it is consistent with the goal of community integration of individuals with mental disabilities; and
2) it is consistent with Sections 115.310(a)-(b) and (d).

e) The Department shall issue a decision on waivers requested under subsection (d) of this Section within five working days after receipt of the written request.

d) A license, other than the one-year provisional license, shall be valid for three years unless revoked in accordance with Section 4(e) of the Community-Integrated Living Arrangements Licensure and Certification Act.

- g) If the Department denies a waiver request, the agency may request a hearing in accordance with Section 115.470. At the hearing, the Department shall have the burden of proving that there was substantial evidence to support the decision to deny the waiver.
- e) Agencies found during a survey to be in substantial compliance with this Part shall be relicensed for an additional three-year period.

(Source: Former Section 115.430 renumbered to Section 115.420 and former Section 115.410 renumbered to Section 115.430 and amended at 23 Ill. Reg. 9791, effective Aug 13 1999.)

Section 115.440 License sanctions and revocation Non-transferability of license

a) The Department may revoke a license at any time if the agency:

- 1) Fails to comply with the service requirements identified in Subpart B of this Part;
 - 2) Fails to comply with the general agency requirements identified in Subpart C of this Part;
 - 3) Fails to correct deficiencies identified as a result of an on-site survey by the Department or fails to submit a plan of correction within 30 days after receipt of the notice of violation;
 - 4) Submits false information either on Department forms, required certifications, plans ~~plans~~ of correction or during an on-site inspection;
 - 5) Refuses to permit or participate in a scheduled or unscheduled survey; or
 - 6) Willfully violates any rights of individuals being served as identified in Chapter II 2 of the Code or Section 115.250.
- b) The Department shall refuse to license or relicense an agency or shall deny or revoke a license if the owner and/or authorized agency representative or licensee has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction.

c) CILA provider agencies, as a result of an on-site survey, shall be recognized according to levels of compliance with standards as set

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forth in this Part, as specifically defined in interpretive guidelines made available to agencies. Agencies with findings from Level 1 to Level 3 will be considered to be in good standing with the Department. Findings from Level 3 to Level 5 will result in a notice of violations, a plan of correction and defined sanctions. Findings resulting in Level 6 will result in a notice of violations and defined sanction. The levels of compliance are:

- 1) Level 1 - Full compliance with CILA standards.
- 2) Level 2 - Acceptable compliance with CILA standards. No written plan of correction will be required from the agency.
- 3) Level 3 - Partial compliance with CILA standards. An administrative warning is issued. The agency shall submit a written plan of correction.
- 4) Level 4 - Minimal compliance with CILA standards. The agency shall submit a written plan of correction, and the Department will issue a probationary license. A re-survey shall occur within 90 days.
- 5) Level 5 - Unsatisfactory compliance with CILA standards. The agency shall submit a written plan of correction, and the Department will issue a restricted license. A re-survey shall occur within 60 days.
- 6) Level 6 - Revocation of the agency's license to provide CILA services. Revocation shall occur as a result of an agency's consistent and repeated failure to take necessary corrective actions to rectify documented violations, and/or the agency's failure to protect clients from situations that produce an imminent risk.
- d) Prior to initiating formal action to sanction a CILA license, OAHCS will allow an organization an opportunity to take corrective action to eliminate or ameliorate a violation of this Part except in cases in which OAHCS determines that emergency action is necessary to protect the public or individual interest, safety or welfare.
- e) Subsequent to an on-site survey, OAHCS shall issue a written notice to an agency/organization. OAHCS shall specify the particular Sections of this Part, if any, with which the agency is not compliant. OAHCS's notice shall require any corrective actions be taken within a specified time period as required by this Part.
- f) If the Department does not approve an agency for license renewal or revokes a license, it shall notify the agency in writing of the opportunity for a hearing per Section 115.4701.
- g) Sanctions will be imposed according to the following definitions:
 - 1) Administrative notice - A written notice issued by OAHCS that specifies rule violations requiring a written plan of correction with time frames for corrections to be made and a notice that any additional violation of this Part may result in a higher level sanction. (level 3)
 - 2) Probation - Compliance with standards is minimally acceptable and necessitates immediate corrective action. Individuals' life

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safety or quality of care are not in jeopardy. The probationary period is time limited to 90 days. During the probationary period, the agency must make corrective changes sufficient to bring the agency back into good standing with the Department. Failure to make corrective changes within that given time frame may result in a determination to initiate a higher level sanction. The admission of new individuals shall be prohibited during the probationary period. (level 4)

- 3) Restricted license - An agency is sanctioned for unsatisfactory compliance. The admission of new individuals shall be prohibited during the restricted licensure period. Corrective action sufficient to bring the agency back into good standing with the Department must be taken within 60 days. During the restricted licensure period a Division monitor will be assigned to oversee the progress of the agency in taking corrective action. Depending on the severity of the violations, individuals may be moved to another CILA site supervised by the same agency or a site supervised by another agency. If individuals are moved to a site supervised by another agency, funding for the services will also be moved. If corrective actions are not taken, the agency will be subject to a higher level sanction. (level 5)
- 4) Revocation - Revocation of the license is withdrawal by formal actions of the CILA license. The revocation shall be in effect until such time that the provider submits a re-application and the agency can demonstrate its ability to operate in good standing with the Department. The Department has the right not to reinstate a license. If revocation occurs as a result of imminent risk, all individuals will be immediately relocated to another agency and all CILA funding will be transferred. (level 6)
- 5) Financial penalty - A financial penalty may be imposed upon finding of violation in any one or combination of the provisions of this Part. In determining an appropriate financial penalty, the Department may consider the deterrent effect of the penalty on the organization and on other providers, the nature of the violation, the degree to which the violation resulted in a benefit to the organization and/or harm to the public and any other relevant factor to be examined in mitigation or aggravation of the organization's conduct. The financial penalty may be imposed in conjunction with other sanctions or separately.
- 6) Targeted license - An agency with multiple CILA sites may be sanctioned for non-compliance according to the performance of the respective sites. Failure of one site to comply may result in a sanction-level determination for the individual site and may not impact on the license of the parent agency. One exception to the foregoing shall be an agency's continuous administrative failure to implement corrective changes for a site in accordance with a finding of violations and stipulated time frames to come into

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compliance. The CILA license of the agency may be subject to sanctions in those cases.

- 7) Higher level sanctions may be imposed in situations where there are repeat violations.

- c) if the Department determines that a situation exists in a living arrangement other than those identified in Section 115.308(a) which is so serious that it subjects individuals to imminent risk of illness mental or physical injury as described in the definition of "abuse" in Section 115.118, it shall immediately issue an order for closure of the affected CILA and plan for the immediate removal of all individuals and/or revoke the license of the agency. The affected living arrangement shall not operate and shall not receive funding from the Department during the period of any appeal process.
- d) if an agency contests the Department's decision regarding a license pursuant to subsections (a), (b) or (c) of this Section, it can request a hearing pursuant to Section 115.476, by providing written notice. The Department shall notify the agency of the time and place of the hearing not less than 14 days prior to the hearing date.
- e) if the agency does not provide written notice, the Department shall deny or revoke the license.

(Source: Former Section 115.440 renumbered to Section 115.450 and former Section 115.460 renumbered to Section 115.440 and amended at 23 Ill. Reg. 97 9 1, effective Aug 13 1999)

Section 115.450 Non-transferability of license Cessation-of-operations

- a) A license is not assignable or transferable.
- b) Discontinuation of operations causes the license to be void.
- c) License documents and all copies shall remain Department property and shall be returned by the agency within 10 days after notifying the Department of a change in ownership, or if the license is revoked or modified.

(Source: Former Section 115.450 renumbered to Section 115.460 and former Section 115.440 renumbered to Section 115.450 at 23 Ill. Reg. 97 9 1, effective Aug 13 1999)

Section 115.460 Cessation of operations License-revocation

- a) If, at any time, an agency determines that it will terminate operation as a licensed CILA agency, it shall notify the Department of its decision at least 60 days prior to the date of termination.
- b) Said notice shall be given to the Department, to service providers working with all affected individuals, to any individual who must be transferred or discharged, to the individual's guardian and to a member of the individual's family, when applicable.
- c) The notice shall state the proposed date for cessation and the reason.

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- d) The agency shall assist individuals in securing alternative services and shall advise individuals on available alternatives.
- e) The agency shall be responsible for services to individuals until cessation of operation as a licensed CILA agency occurs and shall work cooperatively with the Department in securing alternative services.

(Source: Former Section 115.460 renumbered to Section 115.440 and former Section 115.450 renumbered to Section 115.460 at 23 Ill. Reg. 97 9 1, effective Aug 13 1999)

Section 115.470 Hearings

- a) If an agency contests the Department's decision regarding a license pursuant to subsection (a), (b) or (c) of this Section, it can request a hearing pursuant to this Section by submitting a written request within 20 working days to the Department's Bureau of Administrative Hearings at 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762. The Department shall notify the agency of the time and place of the hearing not less than 14 days prior to the hearing date.

- b) A license may not be denied or revoked unless the agency is given written notice of the grounds for the Department's action. Except when revocation of a license is based on imminent risk as described in Section 115.460(e), the agency program whose license has been revoked may operate and receive reimbursement for services during the period preceding the hearing, until such time as a final decision is made.
- c) Hearings shall be conducted in accordance with the Department's rule at 89 59 Ill. Adm. Code 508 401-70, Administrative Hearings Conduct-of-hearings-and-appeals.

(Source: Amended at 23 Ill. Reg. 97 9 1, effective Aug 13 1999)

SUBPART E: REIMBURSEMENT RATE COMPONENTS

Section 115.500 Purpose

The Department funds CILA services for person with developmental disabilities and for persons with mental illness using two separate mechanisms due to the differences in the nature of the mental disability. CILA services for persons with mental illness are funded through grants under 59 Ill. Adm. Code 103 and 132. CILA services for persons with developmental disabilities are funded through the rate methodology described in this Subpart, as mandated by Section 9 of the Community-Integrated Living Arrangements License and Certification Act [210 ILCS 135/9].

(Source: Added at 23 Ill. Reg. 97 9 1, effective Aug 13 1999)

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Section 115.510 Rate components

The components of Department reimbursement for CILA services for persons with developmental disabilities may include, but shall not be limited to, the following, using costs as reported on the Interagency Statistical and Financial Report, or its successor, and other sources as deemed appropriate by the Department:

- a) Base support costs including allowances for "room and board," "program," "transportation," and "administration."
- Base support costs are considered to be those that are incurred in the delivery of CILA supports to individuals with developmental disabilities for the purchase of services that are common to all CILA recipients with similar living arrangements and direct service staffing and transportation needs.

- 1) Room and board cost centers
- The "room and board" allowance includes costs incurred in keeping a home in normal operation. Cost centers under the room and board major allowance category may include:

- A) Housing;
- B) Utilities;
- C) Telephone;
- D) Building and Property Insurance;
- E) Maintenance and Housekeeping;
- F) Food Supplies;
- G) Nonfood Supplies; and
- H) Other, not elsewhere classified.

- 2) Program cost centers
- The program allowance includes costs incurred in providing habilitation services and supports to the extent allowed by the CILA rate model. Cost centers under the program major category may include:

- A) Direct care staff and supervision;
- B) Fringe benefits;
- C) Other supplies;
- D) Miscellaneous consultant services; and
- E) Other, not elsewhere classified.

- 3) Transportation
- Transportation cost may be incurred while providers assist and/or train the persons living in the CILA home in the activities of daily living.

- 4) Administration
- All administrative costs associated with community agency overhead expenses as they relate to the delivery of CILA supports are included within the "administration" cost center reimbursement. Community agency overhead is assumed to include all the costs associated with administrative staff, administrative clerical staff, office space costs, office operating expenses, insurance, management consultants,

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accounting, the cost of hiring staff, staff physical examinations, staff travel and training, conferences, conventions, association fees, and all other costs incurred in the overhead associated with the delivery of CILA supports.

- b) Nonbase support costs are expenses incurred due to the special added services required by specific persons living in CILAs to the extent allowed by the CILA rate model. Nonbase supports can include other individually required supports such as nursing, special dietary needs, and therapies. Nonbase support additions to the rate generated by the CILA rate model must be indicated as necessary by the interdisciplinary team (IDT), are not common to all individuals residing in CILAs, and may be required more intensely soon after an individual moves into a CILA, with decreasing need for them over time. Department staff review all requests for individual nonbase supports and must approve any hourly reimbursements added to an individual's CILA rate. Nonbase support hours must be periodically reaffirmed by professional assessment.

- c) An individual CILA rate includes reimbursement for costs associated with providing day programs to individuals living in CILA homes. For persons receiving day program supports that do not fit the definition of those with fixed rates, an "other day program" option is available. Community agencies that indicate the "other day program" selection must submit a description of the supports to be provided and a proposed annual budget for department review. Individuals between the ages of 18 and 59 are expected to be participating in out-of-home, work-oriented day programs, unless there are medical or behavioral issues that prevent such participation.

- d) Third party payment information concerning an individual's earned and unearned income is obtained from the "Community Reimbursement Subsystem Financial Questionnaire," and used to calculate the third party payment. The third party payment may be subtracted from the top line rate to produce the bottom line rate, or the rate paid by the Department to the community provider agency.

(Source: Added, 23 Ill. Reg. 9791, effective 1/1/99)

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Section 115, APPENDIX A Specific Level of Functioning Assessment and Physical Health Inventory (Repealed)

DMHDD-1215

ILLINOIS DEPARTMENT OF HUMAN SERVICES

9-9-99

SPECIFIC LEVEL OF FUNCTIONING ASSESSMENT
and
Physical Health Inventory

Physical Health Inventory

RATER INFORMATION		CLIENT INFORMATION	
Name of Rater: _____ (please print)	Client Name: _____	Client Social Security Number: _____	_____
Rater's Title: _____	Date of Birth: _____	Sex: _____	M _____ F _____
Date on which this form was filled out: _____	Home Address: _____	Is this person able to speak, read and understand English? _____	
	Yes _____ No _____	If No, what language or education does the person primarily require? _____	
	Specify _____		

On the following pages you will be asked to make some judgments about this client's skills and abilities. Please remember that your answers should reflect what has been most typical of the client during the past week, the way the client has been most of the time. Therefore, do not limit your rating only to the way the client was the last time you saw him. Your rating will have a great deal to do with the service this person will receive, so it is essential that you use your knowledge of the client's usual condition during the past week.

Base your answers on how persons of similar age, sex, and general background manage these activities in normal daily living. Do not use your program or facility as your only basis for comparison. We are less interested in how well someone has adjusted to your program than we are in how well they could manage outside it.

Above all, use common sense. These items are not too technical or complex, and you should use the best information and best judgment you can in making the assessment.

Any person who is not a resident of the State of Illinois is not eligible to participate in this program.

Instructions: Circle the number that best describes this person's typical level of functioning on each item listed below. BE AS ACCURATE AS YOU CAN. If you are not sure about a certain rating, ask someone who might know or consult the case record.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

MARK ONLY ONE NUMBER FOR EACH ITEM. BE SURE TO MAKE ALL ITEMS.

A-Physical Functioning	-SELF MAINTENANCE-			
	NO PROBLEM -FUNCTIONING -PROBLEM	MODERATE BUT NOT A MAJOR -GENERAL -FUNCTIONING	SEVERE -GENERAL -FUNCTIONING	EXTREMELY -GENERAL -FUNCTIONING
1-VISION	1	2	3	4
2-HEARING	1	2	3	4
3-SPEECH/IMPAIRMENT	1	2	3	4
4-WALKING/USE OF LEGS	1	2	3	4
5-USE OF HANDS AND ARMS	1	2	3	4
B-Personal Care	1	2	3	4
6-DRESSING	1	2	3	4
7-EATING	1	2	3	4
8-HYGIENE	1	2	3	4
9-TOILETING/INDEPENDENT	1	2	3	4
10-TOILETING/DEPENDENT	1	2	3	4
11-TOILETING/DEPENDENT	1	2	3	4
12-TOILETING/DEPENDENT	1	2	3	4
13-TOILETING/DEPENDENT	1	2	3	4
14-TOILETING/DEPENDENT	1	2	3	4
15-TOILETING/DEPENDENT	1	2	3	4
16-TOILETING/DEPENDENT	1	2	3	4
17-TOILETING/DEPENDENT	1	2	3	4
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99-TOILETING/DEPENDENT	1	2	3	4
100-TOILETING/DEPENDENT	1	2	3	4

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ☐ None
☐ Daily Visit Signs
☐ Insulin Injection
☐ Preventive Care for Pressure Sores
☐ Treatment for Decubitus Ulcers
☐ Catheter/Ostomy Care
☐ Aseptic Dressing
☐ Physiotherapy
☐ Continence Training
☐ Tactile Stimulation
☐ Suctioning
☐ Irrigation Therapy
☐ T.V. Feeding/Funds
☐ Tube Feeding
☐ Others

Incontinence of Urine:

_____ Less than _____ 1-2 _____ More than
_____ Once a day _____ Twice a day _____ 3-4 times a day
_____ None _____ Every day _____ 5-6 times a day _____

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. 9791 effective
AUG 13 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

1) Heading of the Part Managed Care Community Networks2) Code Citation 89 Ill. Adm. Code 1433) Section Numbers

143.100	Adopted Action
New	
143.200	New
New	
143.300	New
New	
143.400	New
New	
143.500	New

4) Statutory Authority: Sections 5-11, 5-12 and 5-13 of the Illinois Public Aid Code [305 ILCS 5/5-11, 5-12 and 5-13]5) Effective Date of Rules: August 3, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these rules contain incorporations by reference? No8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register:

April 9, 1999 (23 Ill. Reg. 4201)

10) Has JCPR issued a Statement of Objections to these rules? No11) Differences Between Proposal and Final Version:

The following changes have been made in the text of the proposed rulemaking.

In the Authority Note following the Section Outline, "Section" has been changed to "Sections".

Section 143.300

Subsection (a) has been revised to read: "The Department shall enter into contracts with MCNs for the provision of medical care to eligible enrollees in accordance with Section 5-11 of the Illinois Public Aid Code [305 ILCS 5/5-11]."

In subsection (b), "and may" has been changed to "and shall"; additionally, "and minimum" has been deleted.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

In subsection (d), "The Department may" has been changed to "The Department shall" and "these rules" has been changed to "this Part".

Subsection (d)(1) has been revised to read: "The contract shall provide for sanctions including, but not limited to, one or more of the following:"

In subsections (d)(1)(A), (B), (C), (D), (E) and (F), the first word of each subsection has been capitalized.

In subsections (e)(3) and (e)(4), "as may be described" has been changed to "as described".

Section 143.400

In subsection (b), "(42 CFR Part 422)" has been changed to "(42 CFR 422)".

In the last sentence of subsection (b), "documentation may include" has been changed to "documentation includes".

In subsections (c)(1)(A) and (B), (c)(2)(A) and (B), and (c)(3)(A) and (B), the first word of each subsection has been capitalized.

In subsection (c)(4), "Guarantees" has been changed to "guarantees".

In subsection (d)(2), "Section 143.400 of this Part," has been changed to "this Section".

The fourth sentence of subsection (d)(2) has been revised to read: "If the MCN fails to rehabilitate its net worth and/or solvency within that 30 day period, the Department shall impose one or more sanctions, as described in Section 143.300(d)(1), unless the Department extends the 30 day time period."

In the fifth sentence in subsection (d)(2), "Department may" has been changed to "Department shall".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreements issued by JCPR? Yes

13) Will these rules replace emergency rules currently in effect? Yes

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rules: This new Part 143 establishes

administrative requirements, including certification, quality assurance and review processes, for Managed Care Community Networks (MCCNs) in Illinois. MCCNs are entities, other than health maintenance organizations, that are owned, operated, or governed by providers of health care services within Illinois and that provide or arrange for primary, secondary, and tertiary managed health care services under contract with the Department. MCCNs provide services under such arrangements with the Department exclusively to persons participating in programs administered by the Department. Rates to be paid to MCCNs shall be established by the Department.

These new provisions establish the Department's role in certifying MCCNs as risk-bearing entities eligible to enter into contracts with the Department as Medicaid managed care organizations. It is anticipated that under these provisions, existing prepaid health plans (PHPs) will convert to MCCNs in order to avoid expiration of PHP contracts and move the existing PHPs to a reimbursement methodology that is comparable to that of a health maintenance organization.

- 16) Information and questions regarding these adopted rules shall be directed to:

Joanne Jones
Bureau of Rules
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted rule begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT OF PUBLIC AID
SUBCHAPTER G: MEDICAL PROGRAMS

PART 143
MANAGED CARE COMMUNITY NETWORKS

Section	Definitions
143.100	Organizational Structure
143.200	General Provisions
143.300	Financial Requirements
143.400	Certification

AUTHORITY: Sections 5-11, 5-12 and 5-13 of the Illinois Public Aid Code [305 ILCS 5/5-11, 5-12 and 5-13].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 4292, effective March 26, 1999, for a maximum of 150 days; adopted at 23 Ill. Reg. ~~9865~~, effective AUG 03 1999.

Section 143.100 Definitions

For purposes of this Part, the terms below shall be defined as follows:

"Contract" means a document containing certain terms and conditions that meet the requirements of this Part and is entered into by a Managed Care Community Network (MCCN) and the Department.

"County MCCN" means a county with a population of over three million that has a contract with the Department to provide primary, secondary, or tertiary managed health care services as an MCCN.

"Department" means the Illinois Department of Public Aid and any successor agencies.

"Eligible enrollee" means anyone who is eligible to receive medical services through programs administered by the Department and is eligible to receive services through an MCCN.

"Enrollee" means a person who receives medical services through an MCCN.

"Managed Care Community Network (MCCN)" means an entity, other than a health maintenance organization, that is owned, operated, or governed by providers of health care services within Illinois and that provides or arranges primary, secondary and tertiary managed health care services under contract with the Department exclusively to persons

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

participating in programs administered by the Department. An MCN may choose to contract with the Department to provide only pediatric health care services.

"person" means any individual, corporation, proprietorship, firm, partnership, limited partnership, trust, association, governmental authority or other entity, whether acting in an individual, fiduciary or other capacity.

"Provider" means a person who is approved by the Department to furnish medical, educational or rehabilitative services to enrollees.

Section 143.200 Organizational Structure

- a) The Managed Care Community Network (MCN) shall be a separate entity organized as a corporation, limited liability company, or partnership under the laws of this State for the purpose of operating an MCN and, except for a county MCN, doing no business other than that of an MCN.
- b) If organized as a stock corporation or limited liability company, 100 percent of all voting shares must be owned by, or 100 percent of all members in the limited liability company must be, providers of health care services who are subject to licensure by the Illinois Department of Professional Regulation, or who are subject to licensure or certification by the Illinois Department of Public Health or the Illinois Department of Human Services.
- c) If organized as an Illinois not-for-profit corporation, the governing body must be constituted of at least 80 percent of providers of health care services who are subject to licensure by the Illinois Department of Professional Regulation, or who are subject to licensure or certification by the Illinois Department of Public Health or the Illinois Department of Human Services, or be employees or officers of such providers of health care services. For the purpose of this subsection, a State-owned medical school shall be a qualified provider of health care services.
- d) If organized as a partnership, all limited and general partners must be providers of health care services who are subject to licensure by the Illinois Department of Professional Regulation, or who are subject to licensure or certification by the Illinois Department of Public Health or the Illinois Department of Human Services.
- e) A County MCN:
 - 1) May be formed without establishing a separate entity;
 - 2) Is entitled to enter into a contract to provide services in any or all of a county with a population of over three million; and
 - 3) Is not required to accept enrollees who do not reside within the county.

Section 143.300 General Provisions

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

- a) The Department shall enter into contracts with MCNs for the provision of medical care to eligible enrollees in accordance with Section 5-11 of the Illinois Public Aid Code [305 ILCS 5/5-11].
- b) The Department may limit the number of MCNs with which it contracts and may specify a maximum enrollment capacity per MCN.
- c) Covered services to be provided or arranged by an MCN shall be established in each MCN's contract.
- d) The Department shall include, in every contract with an MCN, language describing the sanctions that the Department may impose upon the MCN for failure to comply with this Part or the terms and conditions of that contract.
 - 1) The contract shall provide for sanctions including, but not limited to, one or more of the following:
 - A) Monetary sanctions established and assessed by the Department against the MCN;
 - B) Freezing enrollment for a period to be determined by the Department;
 - C) Liquidated damages;
 - D) Disenrollment of enrollees;
 - E) Withholding all payments or any portion thereof due the MCN; and
 - F) Any other sanctions that are deemed appropriate by the Department.
 - 2) In addition to any sanctions, the Department shall have the right to terminate the contract with or without cause.
- e) To be certified as an MCN by the Department, an MCN must meet each of the following requirements:
 - 1) An MCN must execute a written contract with the Department.
 - 2) An MCN must meet each of the requirements as set forth in the applicable federal and State statutes, regulations, rules, this Part and as defined in the contract.
 - 3) An MCN must maintain procedures for enrollee complaints as established in contract with the Department. Such procedures shall, at a minimum, meet the standards set forth in the Health Maintenance Organization Act [215 ILCS 125] and applicable rules, applicable federal law and as described in the contract. Those requirements shall include, but are not limited to, requirements that MCNs maintain:
 - A) Procedures for registering and responding to complaints and grievances in a specified time;
 - B) Procedures for recording the substance of the complaints;
 - C) A method for monitoring complaints against providers, and coordinating this function with established grievance procedures; and
 - D) A method for tracking minor but regular complaints about specific providers that may be indicative of problems.
 - 4) An MCN must maintain a quality assurance and utilization review program. Such procedures shall, at a minimum, meet the standards

DEPARTMENT OF PUBLIC AID

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set forth in the Health Maintenance Organization Act [215 ILCS 125], applicable federal law and as described in the contract. Requirements shall include, but are not limited to:

- A) The establishment of a quality assurance plan that satisfies any and all applicable State and federal statutory, regulatory, administrative, and policy requirements that address quality of care oversight in managed care;
 - B) Utilization and quality assurance monitoring and reporting;
 - C) The establishment of a peer review committee that is responsible for reviewing medical care provided, including issues involving conflicts of interest, and making recommendations for changes when problems are identified; and
 - D) Other quality assurance requirements that are established by the Department.
- f) The rates to be paid to MCNs shall be established by the Department.

Section 143.400 Financial Requirements

- a) Minimum Net Worth
Except during the first contract year, each MCN must have and maintain at all times a net worth of at least five percent of the total annual capitated payments as calculated and based upon the MCN's experience in its immediate prior fiscal year as evidenced by the most recent annual financial statement. However, the net worth of an MCN need not be greater than \$1,500,000 during any contract year. During the term of the contract, the minimum net worth requirements are as follows:

- 1) Prior to entering into the contract and for the first six months of the first contract year, net worth shall be at least:
 - A) \$500,000 for MCNs contracting in a county with a population of over three million, or
 - B) \$125,000 for all other MCNs.
- 2) For the last six months of the first contract year, net worth shall be at least:
 - A) \$750,000 for MCNs contracting in a county with a population of over three million, or
 - B) \$187,500 for all other MCNs.
- 3) For the second and all subsequent contract years, net worth shall not be less than:
 - A) \$1,000,000 for MCNs contracting in a county with a population of over three million, or
 - B) \$250,000 for all other MCNs.

- b) Determination of Net Worth
Net worth must be determined in accordance with generally accepted accounting principles (GAAP) and may take into account certain provisions of the statutory accounting practices as defined by the Health Maintenance Organization Act. Any solvency and financial

DEPARTMENT OF PUBLIC AID

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standards set forth in the contract shall be no more restrictive than the standards applicable to provider-sponsored organizations in the Medicare+Choice program (42 CFR 422). Each MCN shall make available to the Department upon the request of the Department at any time prior to entering into a contract or during the term of any such contract, documentation sufficient to enable the Department to verify or otherwise calculate the net worth of the MCN. Such documentation may include, but is not limited to, audited financial statements, tax returns, and books and records establishing such net worth.

- c) Solvency Standards
Solvency must be comprised of the following:
 - 1) Prior to entering into the contract and for the first six months of the first contract year:
 - A) At least \$250,000 of the minimum net worth amount must be maintained in cash or cash equivalents for MCNs contracting in a county with a population of over three million, or
 - B) At least \$62,500 in cash and cash equivalents for all other MCNs.
 - 2) For the last six months of the first contract year:
 - A) At least \$375,000 of the minimum net worth amount must be maintained in cash or cash equivalents for MCNs contracting in a county with a population of over three million, or
 - B) At least \$93,750 in cash and cash equivalents for all other MCNs.
 - 3) For the second and all subsequent contract years:
 - A) The greater of \$750,000 or 40 percent of the minimum net worth amount must be maintained in cash or cash equivalents for MCNs contracting in a county with a population of over three million, or
 - B) The greater of \$187,500 or 40 percent of the minimum net worth amount in cash and cash equivalents for all other MCNs.
 - 4) Each MCN shall make adequate provisions against the risks of insolvency. Solvency of the MCN must be guaranteed by guarantees or letters of credit from recognized financial institutions or by the establishment of escrow or trust accounts. Each MCN shall assure that enrollees are in no case held liable for debts of the MCN in the event of an MCN's insolvency.
- d) Solvency Reporting Requirements
 - 1) Each MCN shall make a written quarterly report to the Department establishing the state of the MCN's solvency and whether such MCN fails to meet, meets or exceeds the solvency requirements set forth in this Part. Upon request of the Department, each MCN shall provide the Department with access to documentation sufficient to enable the Department to verify or otherwise calculate the solvency of the MCN. Such documentation may include, but is not limited to, audited financial statements, tax returns, and books and records establishing such solvency.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED RULES

- 2) An MCN that falls below the requirements set forth in this Section, as determined by the Department, shall be provided with written notice by the Department of such failure. The MCN shall have 30 days from the date of the notice to meet its net worth and/or solvency requirements. The MCN must provide the Department, within that 30 day period, adequate documentation of its rehabilitation of the net worth and/or solvency. If the MCN fails to rehabilitate its net worth and/or solvency within that 30 day period, the Department shall impose one or more sanctions, as described in Section 143.300(a)(1), unless the Department extends the 30 day time period. Such extension is at the discretion of the Department and the Department shall request the MCN to show good cause why such extension should be granted. Nothing in this Part shall prohibit the Department from imposing any other sanctions available under this Part, the contract or at law after the expiration of the 30 day period.

Section 143.500 Certification

An MCN that meets the requirements of this Part is deemed to be certified by the Department as a risk bearing entity solely for the purpose of meeting the requirements of a Medicaid Managed Care Organization as defined in Section 1903(m) of the Social Security Act and the Department may enter into a contract with such certified MCN.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.463 Amendment
140.466 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 3, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 29, 1999 (23 Ill. Reg. 4203)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version:
- The following changes have been made in the text of the proposed rulemaking.
- Section 140.463**
- Amendments to Section 140.463 were adopted on April 30, 1999, and published on May 14, 1999, at 23 Ill. Reg. 5796. The adoption of April 30 is reflected in these adopted amendments.
- In subsections (c)(1)(K) and (c)(2)(J), the new language, "may", has been deleted and "shall" has been retained.
- Section 140.466**
- At the end of the first sentence in subsection (a), "carrier" has been changed to "intermediary".

The new language in subsection (a) has been revised to read: "At the request of such a facility, and upon the receipt of final audited costs as determined by the Medicare intermediary, and upon receipt of total

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

encounters, the Department shall adjust prior claims back to the closing date of the facility's applicable cost report. All adjustments must be consistent with Medicare reimbursement policies.

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140-3	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140-5	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140-24	Amendment	July 30, 1999 (23 Ill. Reg. 8603)
140-420	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140-421	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140-461	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140-462	Amendment	January 4, 1999 (23 Ill. Reg. 128)

- 15) Summary and Purpose of Amendments:

The Department is adopting several amendments to the rules concerning payment for clinic services. In Section 140.463, changes regarding encounter rates are being made relative to Federally Qualified Health Centers (FQHCs) that will result in revisions to the Department's methodology for capping payments for dental services. A specific dental rate cap per encounter is provided for the rate year beginning July 1, 1999, and the amendments specify that for each subsequent rate year, the cap will be adjusted according to the most recently available Medicare Economic Index. These changes are expected to provide greater stability to the dental payment methodology and to result in a spending increase of approximately \$10,000 for fiscal year 2000.

Amendments to Section 140.466 allow the Department to adjust prior claims from hospital-based Rural Health Centers (RHCs) once a cost report has been received by the Department. These changes are necessary to accommodate RHCs that have had finalization of their cost reports delayed by Medicare intermediaries. These changes are expected to result in a budgetary increase of less than \$100,000 for fiscal year 2000.

- 16) Information and questions regarding these adopted amendments shall be directed to:
- Joanne Jones
Bureau of Rules, Third Floor

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

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140.909 Statewide Rates (Repealed)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12869, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Reg. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 16, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment

at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 16729, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 17172, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Reg. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16759, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 Table H and 140.912 Table I recodified to 89 Ill. Reg. Code 147.5 thru 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections

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140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5829, effective April 4, 1995; amended at 19 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2333, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11334, effective August 1, 1996; amended at 20 Ill. Reg. 14846, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18797, effective September 30, 1998; amended at 22 Ill. Reg. 19998, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23

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Ill. Reg. 9874, effective AUG 03 1999.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.463 Clinic Service Payment

- a) Hospital-based Organized Clinics
 - 1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
 - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with 89 Ill. Adm. Code 148.140.
- b) Encounter Rate Clinics
 - 1) For encounter rate clinics providing comprehensive health care for women and infants or encounter rate clinics operated by a county with a population of over three million, payment shall be made at the lesser of:
 - A) \$50 per encounter; or
 - B) The clinic's charge to the general public.
 - 2) For all other encounter rate clinics, payment shall be made at the lesser of:
 - A) The clinic's approved all inclusive interim per encounter rate as of May 1, 1981;
 - B) \$50 per encounter; or
 - C) The clinic's charge to the general public.
- c) Federally Qualified Health Centers (FQHC)
 - 1) Medical Encounter Rate
 - A) Payment for services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective, per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Free-standing Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medical Supplemental Schedules A, B and C reflecting the actual costs of delivering encounter services as listed in Section 140.462(d)(2).
 - B) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.
 - C) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
 - D) Allowable costs will be updated to the midpoint of the rate year by an inflation factor derived from published economic indices.

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- E) Interim payment for covered services rendered by FQHCs enrolled as of March 31, 1990, for which no audited costs are available shall be made at the individual FQHC rate in effect on March 31, 1990, as established by the Department.
- F) Interim payment for covered services rendered by FQHCs enrolled between March 31, 1990, and January 1, 1991, shall be made at the higher of:
- i) the provider's approved Medicare rate established by the designated Federal Intermediary for Rural Health Center or Federally Funded Health Center Services; or
 - ii) the 75th percentile of the statewide range of the Department's established encounter clinic rates (as defined in subsection (a) of this Section as of March 31, 1990).
- G) Payment shall be made at the interim rate to FQHCs enrolled before January 1, 1991, for covered services rendered from the later of the date of enrollment or April 1, 1990, until the certified date of provider receipt of the cost-based rate established by the Department for that provider.
- H) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(1)(A) of this Section, the Department shall reconcile interim payments made for covered services:
- i) Rate retroactivity from April 1, 1990, will only apply to clinics enrolled as of March 31, 1990, which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.
 - ii) If the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each claim paid at the interim rate.
 - iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future service claims.
- I) Interim payment for covered services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the higher of:
- i) the provider's approved Medicare rate established by the designated Federal Intermediary for Rural Health Centers and Federally Funded Health Center Services; or
 - ii) the median of the statewide range of the Department's established cost-based FQHC rates in effect at the time of enrollment.
- J) Payment shall be made at the interim rate for Centers

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- enrolled on or after January 1, 1991, for covered services rendered between the date of enrollment and 30 days after the date of Department receipt of the complete and correct cost report of the provider. Payment for covered medical services rendered by the provider 30 days after Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate methodology.
- K) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(1)(A) of this Section within 90 days after the certified date of receipt of the forms, the Department ~~may~~ shall suspend payment for covered medical services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.
- L) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(1)(A) of this Section, within 90 days after the later of the end of the sixth month of operation or the certified mail date of receipt of the forms. The rate calculated from these costs will be in effect for services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.
- M) The Department will not process a claim for payment of FQHC services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.
- 2) Dental Encounter Rate
- A) Payment for dental services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid supplemental Schedules A, B, and C reflecting the actual costs of delivering dental services.
 - B) Direct costs related to operation of the clinic in order to provide allowable dental services will be reported on the cost report and used in the rate calculation process.
 - C) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.

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- D) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.
- E) Allowable costs will be updated to the mid point of the rate year by an inflation factor derived from published economic indices.
- F) Payment for covered dental services shall be made by the Department's prepaid dental service contractor.
- G) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(2)(A) of this Section, the Department's prepaid dental service contractor shall reconcile interim payments made for covered dental services.
- H) Rate retroactivity will only apply to clinics enrolled as of March 31, 1990, that submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as Federally qualified.
- I) If the cost-based rate is higher than the interim rate, the Department's prepaid dental service contractor shall pay the provider the rate differential for each claim paid at the interim rate.
- II) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate.
- H) Interim payment for covered dental services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the median of the statewide range of the Department's established cost-based FQHC dental rates in effect at the time of enrollment.
- I) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered dental services rendered between the date of enrollment and 30 days after the date of the Department receipt of the complete and correct cost report of the provider. Payment for covered dental services rendered by the provider after 30 days following Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate.
- J) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(2)(A) of this Section within 90 days after the certified mail date of receipt of the forms, the Department's prepaid dental service contractor shall suspend payment for covered dental services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

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- K) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(2)(A) of this Section within 90 days after the later of the end of the sixth month of operation or the certified date of receipt of the forms. The rate calculated from these costs will be in effect for dental services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.
- L) Effective for the rate year beginning July 1, 1990, encounter rates for dental services shall be capped at \$62.31 per encounter. For each subsequent rate year, this dental encounter rate cap will be adjusted, based on the most recently available Medicare Economic Index.
- 3) Rate Appeals Process
- A) All appeals of audit adjustments or rate determinations must be submitted in writing to the Department. Appeals submitted within 30 calendar days after the rate notification, if upheld, shall be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month following the date the completed appeal was submitted. Appeals for any rate year must be filed before the close of the rate year.
- B) To be accepted for review, the written appeal shall include:
- i) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
 - ii) A clear, concise statement of the basis for the appeal;
 - iii) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;
 - iv) A citation to any mandated or contractual requirement pertinent to the appeal; and
 - v) A statement by the provider's chief executive officer or financial officer that the application of the rate appeal and information contained in the vendor's reports, schedules, budgets, books, and records submitted are true and accurate.
- C) Rate appeals may be considered for the following reasons:
- i) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
 - ii) Mechanical or clerical errors committed by the

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Department in auditing historical expenses as reported and/or in calculating reimbursement rates.

- iii) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
- iv) Substantial treatment service charges are required as a result of mandated regulatory charges.
- v) Substantial changes in the physical plant are required as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.
- vi) State and/or Federal regulatory requirements have generated a substantial increase in allowable costs.
- D) The Department shall rule on all appeals within 120 calendar days after receipt of the appeal except that, if additional information is required from the facility, the period shall be extended until such time as the information is provided.
- E) Appeals shall be submitted to the Department's Bureau of Comprehensive Health Services, 201 South Grand Avenue East, Concourse, Springfield, Illinois 62763.

- d) Maternal and Child Health Clinics. Payment shall be made in accordance with Section 140.930.
- e) Transitional Payments for FQHCs and Certain Encounter Rate Clinics

1) Certain clinics will be eligible to receive monthly transitional payments for managing the health care needs of certain clients under their care beginning December 1996. Certain clinics will be eligible to receive transitional payments for the month of December 1996, and monthly thereafter, under the conditions described in this subsection. To receive monthly transitional payments, clinics must:

- A) be either:
 - i) a Federally Qualified Health Center, as defined in Section 140.462(d), or
 - ii) an Encounter Rate Clinic, as defined in Section 140.462(b), that has provided comprehensive health services to Medicaid clients prior to December 1996;
- B) have a signed transitional payment contract with the Department; and
- C) have a contract with a Health Maintenance Organization (HMO) or Prepaid Health Plan (PHP) that has a contract to provide comprehensive health services, or, upon the implementation of Medicaid Plus, have a contract with a Managed Care Entity (MCE). When Medicaid Plus is implemented, HMOs, PHPs or Managed Care Community Networks (MCCNs) may serve as MCEs

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(see 89 Ill. Adm. Code 142.110 for definition of terms).

- 2) Transitional payments to a clinic will consist of a per member per month payment for any Illinois Medicaid client enrolled with an HMO or PHP or, upon the implementation of Medicaid Plus, an MCE, for whom the clinic was their assigned care provider on the last day of the month.
- 3) For the first six months covered under a transitional payment contract, the Department will make transitional payments for any number of Medicaid clients enrolled with an HMO, PHP or MCCN and assigned to the qualifying clinic as their primary care site. Thereafter, qualified clinics will receive transitional payments for a given month only if the total number of Medicaid clients enrolled with an HMO, PHP or MCCN and assigned to the qualifying clinic, meets or exceeds the following threshold levels established in the qualifying clinic's transitional payment contract for that month:
 - A) For the seventh through twelfth month, such threshold shall equal 20 percent of the qualifying clinic's Medicaid patient base;
 - B) For the thirteenth through eighteenth month, such threshold shall equal 30 percent of the qualifying clinic's Medicaid patient base;
 - C) For the nineteenth through twenty-fourth month, such threshold shall equal 40 percent of the qualifying clinic's Medicaid patient base;
 - D) For the twenty-fifth month through the term of the contract, such threshold shall equal 50 percent of the qualifying clinic's Medicaid patient base.
- 4) The Medicaid patient base shall be a number mutually agreed to by the Department and the qualifying clinic and established in the transitional payment contract that equals the number of Medicaid clients registered as patients of the qualifying clinic as of November 1996. If the qualifying clinic did not have Medicaid clients registered as patients as of November 1996, the mutually agreed to Medicaid patient base shall be the number of Medicaid clients registered as patients of the qualifying clinic as of the sixth month the qualifying clinic receives transitional payments under this Section.
- 5) Transitional payments shall equal:
 - A) eight dollars per member per month for the first 12-month period after the effective date of a clinic's contract with the Department;
 - B) six dollars per member per month for the second 12-month period after the effective date of a clinic's contract with the Department;
 - C) two dollars per member per month for the third 12-month period after the effective date of a clinic's contract with the Department.

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- 6) Total transitional payments under subsection (e) shall not exceed:
- \$2,625,000 through June 30, 1997;
 - \$4,500,000 for each 12-month period thereafter that begins on July 1 and ends on June 30 of the following year.
- 7) In the event that payments exceed the limits described in subsection (e)(6) of this Section, the Department will adjust future payments to clinics to recover any excess payment.
- 8) No clinic qualifying under this subsection (e) of this Section shall receive transitional payments for any month after November 30, 1998.
- f) Managed Care Adjustment Payments
- Effective October 1, 1997, any FORC or Rural Health Clinic (RHC) is eligible to receive Managed Care Adjustment Payments if:
 - a client is enrolled with a Health Maintenance Organization, a Managed Care Community Network, or a Prepaid Health Plan, and
 - the FORC or RHC is the primary care site for such an enrolled client, as designated by the Department.
 - An FORC or RHC shall receive \$12 per member per month for each month in which the criteria described in subsection (f)(1) of this Section are met. However, the \$12 per member per month shall be reduced by the amount of transitional payments, as described in subsection (e) of this Section, paid or due to a clinic for any month beginning October 1, 1997.

(Source: Amended at 23 Ill. Reg. 98 74, effective AUG 03 1999)

Section 140-466 Rural Health Clinics

- If it operates as an integral part of a hospital, skilled nursing facility, or other Medicare participating institution, payment will be at an all-inclusive per visit rate calculated and determined reasonable by the Medicare intermediary carrier. At the request of such a facility, and upon the receipt of final audited costs as determined by the Medicare intermediary, and upon receipt of total encounters, the Department shall adjust prior claims back to the closing date of the facility's applicable cost report. All adjustments must be consistent with Medicare reimbursement policies.
- If it is a rural health clinic classified as an independent clinic (not part of a Medicare provider) providing Medicare covered services, payment will be at the per visit rate determined by the Medicare carrier to be reasonable.

(Source: Amended at 23 Ill. Reg. 98 74, effective AUG 03 1999)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.605 Amendment
- 4) Statutory Authority: 35 ILCS 120/2-5(17)
- 5) Effective Date of Amendments: August 9, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 30, 1999, 23 Ill. Reg. 5224
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: P.A. 90-552 amended the Retailers' Occupation Tax Act at 35 ILCS 120/2-5(17) to provide that gross receipts from the sale of tangible personal property to a common carrier by rail OR MOTOR that receives the property in Illinois and then transports it out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper, to a destination outside Illinois, for use outside Illinois, are exempt from tax.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Martha Mote

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Associate Counsel
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6996

The full text of the adopted amendment begins on the next page:

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TITLE 86: REVENUE
 CHAPTER 1: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

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130.105	Occasional Sales
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130.111	Habitual Sales
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SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
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130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	Farm Machinery and Equipment
130.305	Food, Drugs, Medicines and Medical Appliances
130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.315	Gasohol
130.320	Fuel Used by Air Common Carriers in International Flights
130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Manufacturer's Purchase Credit
130.331	Pollution Control Facilities
130.335	Rolling Stock
130.340	Oil Field Exploration, Drilling and Production Equipment
130.345	Coal Exploration, Mining, Off Highway Hauling, Processing,
130.350	Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section	Meaning of Gross Receipts
130.401	How to Avoid Paying Tax on State or Local Tax Passed on to the
130.405	

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Purchaser
 130.410 Cost of Doing Business Not Deductible
 130.415 Transportation and Delivery Charges
 130.420 Finance or Interest Charges--Penalties--Discounts
 130.425 Traded-In Property
 130.430 Deposit on Prepayment on Purchase Price
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 Annual Tax Returns
 130.510 First Return
 130.515 Final Returns When Business is Discontinued
 130.520 Who May Sign Returns
 130.525 Returns Covering More Than One Location
 130.530 Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
 130.710 Procedure When Security Must be Forfeited

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130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required for Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

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 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
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Section 130.1801 130.1805 130.1810	When Powers of Attorney May be Given Filing of Power of Attorney With Department Filing of Papers by Agent Under Power of Attorney
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Section 130.1901	Addition Agents to Plating Baths

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130.1965 130.1970 130.1975 130.1980 130.1985 130.1990 130.1995 130.2000 130.2005 130.2006 130.2007 130.2008 130.2010 130.2011 130.2012 130.2015 130.2020 130.2025 130.2030 130.2035 130.2040 130.2045 130.2050 130.2055 130.2060 130.2065	

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at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 13062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 28, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective Aug 09.

SUBPART F: INTERSTATE COMMERCE

Section 130.605 Sales of Property Originating in Illinois

- a) Where tangible personal property is located in this State at the time of its sale (or is subsequently produced in Illinois), and then delivered in Illinois to the purchaser, the sale is taxable if the sale is at retail.
- 1) The sale is not deemed to be in interstate commerce if the

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Sales of Containers, Wrapping and Packing Materials and Related Products
Sales To Construction Contractors, Real Estate Developers and Speculative Builders
Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
Sales to or by Banks, Savings and Loan Associations and Credit Unions
Sales to Railroad Companies
Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
Sellers of Feeds and Breeding Livestock
Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
Sellers of Seeds and Fertilizer
Sellers of Machinery, Tools and the Like
Suppliers of Persons Engaged in Service Occupations and Professions
Trading Stamps and Discount Coupons
Undertakers and Funeral Directors
Vending Machines
Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
Vendors of Meals
Vendors of Memorial Stones and Monuments
Vendors of Signs
Vendors of Steam
Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
Veterinarians
Warehouses
Examples of Tax Exemption Cards

ILLUSTRATION A: Examples of Tax Exemption Cards
AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39B3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39B3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended

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- purchaser or his representative receives the physical possession of such property in this State.
- 2) This is so notwithstanding the fact that the purchaser may, after receiving physical possession of the property in this State, transport or send the property out of the State for use outside the State or for use in the conduct of interstate commerce.
- 3) The place at which the contract of sale or contract to sell is negotiated and executed and the place at which title to the property passes to the purchaser are immaterial. The place at which the purchaser resides is also immaterial. It likewise makes no difference that the purchaser is a carrier when that happens to be the case.
- 4) There are two exceptions to the rule that the sale is not deemed to be a sale in interstate commerce if the purchaser or his representative receives physical possession of the property in Illinois.
- A) Effective July 23, 1971, the tax is not imposed upon the sale of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, if such motor vehicle is not to be titled in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the other vehicle upon returning to his home state. The issuance of the driveway decal permit shall be prima facie evidence that such motor vehicle will not be titled in this State.
- B) The seller does not incur retailers' Occupation Tax liability with respect to the proceeds from the sale of an item of tangible personal property to a common carrier by rail or motor that receives physical possession of property in Illinois and that transports the property, or shares with another common carrier in transporting the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignee of the property to a destination outside Illinois, for use outside Illinois. (Section 2-5(17) of the Act)
- C) The exception for sales to common carriers by rail or motor which is described immediately above at subsection (a)(4)(B) of this Section is also applicable to local retailers' Occupation Taxes imposed by home rule municipalities, non-home rule municipalities, home rule counties, water commissions, the Regional Transportation Authority and the Metro East Mass Transit District.
- b) The tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point

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- c) Nor does the tax apply to gross receipts from sales in which the seller, by carrier (when the carrier is not also the purchaser) or by mail, under the terms of his agreement with the purchaser, delivers the goods from a point in this State to a point outside this State not to be returned to a point within this State.
- d) The place at which title to the property passes to the purchaser is immaterial. The place at which the contract of sale or contract to sell is negotiated and executed and the place at which the purchaser resides are also immaterial. Sales of the type described in subsections (b) and (c) are deemed to be within the protection of the Commerce Clause of the Constitution of the United States.
- e) To establish that the gross receipts from any given sale are exempt because the tangible personal property is delivered by the seller from a point within this State to a point outside this State under the terms of an agreement with the purchaser, the seller will be required to retain in his records, to support deductions taken on his tax returns proof which satisfies the Department that there was such an agreement and a bona fide delivery outside this State of the property which is sold. The most acceptable proof of this fact will be:
- 1) If shipped by common carrier, a waybill or bill of lading requiring delivery outside this State;
 - 2) If sent by mail, an authorized receipt from the United States Post Office Department for articles sent by registered mail, parcel post, ordinary mail or otherwise, showing the name of the addressee, the point outside Illinois to which the property is mailed and the date of such mailing; if the receipt does not comply with these requirements, other supporting evidence will be required;
 - 3) If sent by seller's own transportation equipment, a trip sheet signed by the person making delivery for the seller and showing the name, address and signature of the person to whom the goods were delivered outside this State; or, in lieu thereof, an affidavit signed by the purchaser or his representative, showing the name and address of the seller, the name and address of the purchaser and the time and place of such delivery outside Illinois by the seller; together with other supporting data as required by Section 130.810 of this Part and by Section 7 of the Act.

(Source: Amended at ... 23 Ill. Reg. 9898, effective AUG 9 1999.)

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1) Heading of the Part: Property Tax Code

2) Code Citation: 86 Ill. Adm. Code 110

3) Section Numbers: Emergency Action:
110.155 Amendment

4) Statutory Authority: 35 ILCS 200

5) Effective Date of Emergency Amendment: August 2, 1999

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: August 2, 1999

8) A copy of the Emergency Amendment is on file and available for public inspection at the Illinois Department of Revenue, Willard Ice Building, 101 West Jefferson, Springfield IL 62794.

9) Reason for Emergency: The Department of Revenue has previously promulgated a rule that provides guidance to parties interested in the educational requirements for Board of Review members in non-commission counties under Section 110.155. Public Act 90-552, which took effect on January 1, 1999, amended Article 6 of the Property Tax Code. It imposed new educational requirements for Board of Review members in commission counties. This Emergency Amendment is necessary to update Section 110.155. While the boards of review generally convene in June, the main portion of their work does not usually begin until late summer or early fall. This is especially true in general (quadrennial) assessment years which in 1999 occur in 84 of the 102 counties in Illinois.

10) A complete Description of the Subjects and Issues Involved: The Department of Revenue has previously promulgated a rule that provides guidance to parties interested in the educational requirements for Board of Review members in non-commission counties under Section 110.155. Public Act 90-552, which took effect on January 1, 1999, amended Article 6 of the Property Tax Code. It imposed new educational requirements for Board of Review members in commission counties. This amendment is necessary to update Section 110.155.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding this Emergency Amendment shall be directed to:

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Jerry Lanter
Counsel for Property Tax
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Emergency Amendment begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110

PROPERTY TAX CODE

- Section
110.101 Railroads
110.105 Non-carrier Real Estate of Railroads
110.110 Procedures for Assessment of Pollution Control Facilities and Low Sulfur Dioxide Emission Coal Fueled Devices
110.115 Exemption Proceedings
110.120 Oil Right Lessees and Producers
110.125 Reports to be Filed with the Department
110.130 Hearings and Records of County Assessor, Supervisor of Assessments or Board of Assessors
110.135 Review of Assessments - Counties of 1,000,000 or More
110.140 Board of Review Procedures and Records - Counties of Less than 1,000,000
110.141 Farmland Factor Review Procedures (Repealed)
110.145 Practice and Procedure
110.150 Records Reproduction
110.155 Course and Examination Requirements for Board of Review Members
110.160 Multi-township Assessment Districts
110.162 Township and Multi-Township Assessor Qualifications
110.165 Farmland Assessment Review Procedures
110.170 Assessors' Bonus
110.175 Equalization by Supervisor of Assessments
110.180 Supervisor of Assessments Examination
110.180 Property Tax Extension Limitation
110.190 Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 39b35 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b35].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886, amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill.

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Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days.

Section 110.155 Course and Examination Requirements for Board of Review Members Appointment-or-Election-of-Board-of-Review-Members-After-Examination

EMERGENCY

- a) Scope
1) This Section applies to all counties except non-commission counties with 150,000 or more and fewer than 3,000,000 inhabitants that elect a Board of Review under Section 6-35 of the Property Tax Code [35 ILCS 200/6-35].
2) In order to be eligible to serve as a Board of Review member, interested persons must fulfill the appropriate course and examination requirements specified in subsections (b) and (d) of this Section based on the eligibility requirements set forth in Article 6 of the Property Tax Code [35 ILCS 200/Art. 6] (see Public Act 90-552, effective January 1, 1999).
- b) Course Requirements
1) Course Requirements in Non-Commission Counties with Fewer than 100,000 Inhabitants: Within one year after taking office, each member of the Board of Review must successfully complete a basic course in assessment practice approved by the Department as required by Section 6-10 of the Property Tax Code [35 ILCS 200/6-10]. Successful completion of the course includes passing the examination that is given as part of the course.
2) Course Requirements in Non-Commission Counties with 3,000,000 or More Inhabitants: Within one year after taking office, each member of the Board of Review must successfully complete a basic course in assessment practice approved by the Department as required by Section 6-10 of the Property Tax Code [35 ILCS 200/6-10]. Successful completion of the course includes passing the examination that is given as part of the course.
- c) Course Grades

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1) A person taking the examination for the course will be presented with a grade notification letter from the Department showing his or her numerical score.

2) A numerical score of 70% or more correct is a passing grade for the course.

d) Examination Requirements

1) Except as otherwise provided in subsection (k) of this Section, interested persons must fulfill the appropriate examination requirements specified in subsections (j)(2), (3), and (4).

2) Examination Requirements in Non-Commission Counties with Fewer Than 100,000 Inhabitants as Required by County Board Resolution: Prior to taking office, each member of the Board of Review must pass the examination prepared and administered by the Department to determine his or her competence to hold office as required by county board resolution under Section 6-10 of the Property Tax Code [35 ILCS 200/6-10].

3) Examination Requirements in Non-Commission Counties with 100,000 or More and Fewer Than 3,000,000 Inhabitants: Prior to taking office, each member of the Board of Review must pass the examination prepared and administered by the Department to determine his or her competence to hold office as required by Section 6-10 of the Property Tax Code [35 ILCS 200/6-10].

4) Examination Requirements in Commission Counties: Beginning January 1, 1999, for Boards of Review convening for the 1999 assessment year and thereafter, all County Commissioners, prior to serving as the Board of Review, must pass the examination prepared and administered by the Department to determine their competence to hold office as required by Sections 6-30 and 6-32 of the Property Tax Code [35 ILCS 200/6-30, 6-32]. If the County Commissioners do not serve as the Board of Review, but instead appoint three Board of Review members, each appointee, prior to serving as the Board of Review, must pass the examination prepared and administered by the Department to determine his or her competence to hold office as required by Sections 6-30 and 6-32 of the Property Tax Code.

e) Examination Requests by Counties

1) Examination Requests in Non-Commission Counties that Appoint a Board of Review: If the presiding officer of the County Board does not intend to appoint a member of the Board of Review or reappoint a person whose eligibility is established based on continuous service under subsection (k) or appoint a person from the list of people who have passed the examination maintained by the Department, then the presiding officer of the County Board must make a written request for the Department to give the examination in that county.

2) Examination Requests in Non-Commission Counties that Elect a Board of Review: If a person not currently on the list of people

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who have passed the examination maintained by the Department files nomination papers to run for election to the Board of Review, unless his or her eligibility is otherwise established based on continuous service under subsection (k), then the County Clerk must make a written request for the Department to give the examination in that county. The request for the examination must be made no later than 5 calendar days after the deadline for filing nomination papers for election.

3) Examination Request in Commission Counties: If the County Commissioners intend to serve as the Board of Review and any County Commissioner is not eligible because that Commissioner is not on the list of people who have passed the examination maintained by the Department and that Commissioner is not eligible based on continuous service under subsection (k), or if the County Commissioners do not intend to reappoint a person whose eligibility is established based on continuous service under subsection (k) or appoint a person from the list of people who have passed the examination maintained by the Department, then the chairperson of the County Board of Commissioners must make a written request for the Department to give the examination in that county.

4) The Department will administer the examination in a county within 30 calendar days after receipt of a written request made in a manner consistent with the requirements of this subsection (e) or by such later date as is mutually agreed to by the Department and the public official who requested the examination. However, the examination is subject to cancellation by the Department in accordance with subsections (f)(3) and (d)(3).

f) Publication Procedures for County-Requested Examinations

1) The public official who requests the examination be given must cause a notice prescribed by the Department to be published, at county expense, in a local newspaper of general circulation in the county at least 14 calendar days before the examination is scheduled.

2) The published notice must set forth:

- A) the date, time, place and purpose of the examination;
- B) the name, location and office hours of a public official in the county to contact for an application form and study materials and for making arrangements to accommodate the needs of a handicapped individual;
- C) the name, location, and office hours of a public official in the county accepting completed application forms; and
- D) the registration deadline for the examination.

3) Proof of publication must be submitted to the Department by 10:00 A.M. of the State business day before the examination is scheduled. Proof of publication consists of a copy of the published notice and a certification from the newspaper showing the date of publication. If proof of publication is not

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submitted or is submitted in an untimely manner, the Department will cancel the scheduled examination.

- 9) Location of examinations
 - 1) The examination will be scheduled by the Department at a handicap-accessible location in a county when that county requests an examination in a manner consistent with the requirements of subsections (e) and (f).
 - 2) Locations and examination dates for regional examinations under Section 6-32 of the Property Tax Code [35 ILCS 200/6-32] will be determined by the Department.
- h) Examination Registration Procedures for County-Requested Examinations
 - 1) A person may register for and take the examination in any county where it is scheduled to be given by the Department.
 - 2) Interested persons must register for the examination by delivering a completed application form to the public official specified in the published notice by 10 A.M. of the State business day before the examination is scheduled.
 - 3) If no person has registered for the examination by 10 A.M. of the State business day before the examination is scheduled, the public official who requested the examination must immediately notify the Department by telephone or facsimile. The examination may be cancelled at the discretion of the Department.
 - 4) If the examination is held, the Department will accept application forms until the end of the examination. Any person who arrives late to the examination will be given no additional time in which to register and take the examination beyond the hour specified by the examiner at the beginning of the examination.
 - 5) All persons who register for the examination must specify at least one county for certification of the examination results on the application form.
- i) Examination Scores
 - 1) A person taking the examination will be presented with a grade notification letter from the Department showing his or her numerical score.
 - 2) A numerical score of 70% or more correct is a passing grade for the examination.
 - 3) If a person re-takes the examination, the most current examination result supersedes that of any previous examination result.
 - 4) A passing grade will be valid for a three-year period commencing with the day the examination was given. In non-commission counties, if the three-year period has not expired as of the date nominating papers are filed for the office of Board of Review or an appointment is made to the Board of Review, a person will be deemed to have fulfilled the examination requirement even though the three-year period may expire between the date nominating papers are filed or an appointment is made and the date the

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person takes office as a Board of Review member. In commission counties, if the three-year period has not expired as of the date nominating papers are filed for the office of county commissioner or an appointment is made to the Board of Review, a person will be deemed to have fulfilled the examination requirement even though the three-year period may expire between the date nominating papers are filed or an appointment is made and the date the Board of Review first convenes for a new tax year.

- 1) Certification and Maintenance of Examination Results
 - 1) Within 30 days after the examination, the Department will certify the name of each person passing the examination to the County Clerk of any county specified by that person on the application form.
 - 2) A person who has passed the examination may make a written request for certification by the Department of his or her passing examination results to the County Clerk of any county. The Department will make certifications within 30 days after receiving the written request provided the passing grade is valid at the time of the request.
 - 3) The Department will maintain a statewide list of persons who have passed the examinations.
- k) Examination Eligibility Based on Continuous Service
 - 1) Notwithstanding the provisions in subsection (1)(4), a person who has been legally appointed or elected or has legally served as a regular Board of Review member in any county for which an examination was required at the time of service is eligible for appointment or election or service in any county for the immediately succeeding term and each consecutive term for that office thereafter, without further examination.
 - 2) A person who has been legally appointed or elected as a regular Board of Review member in any county for which an examination was required at the time of service is also eligible for appointment as an additional member in any non-commission county under Section 6-25 of the Property Tax Code [35 ILCS 200/6-25], without further examination, to hear complaints in an emergency situation during the session of the Board of Review next succeeding the expiration of his or her regular term and during the session of the Board of Review in each consecutive year thereafter.
 - 3) A person who has been legally appointed as an additional member to hear complaints in an emergency situation in any non-commission county for which an examination was required at the time of service under Section 6-25 of the Property Tax Code [35 ILCS 200/6-25] may be appointed to serve only until final adjournment of the Board of Review then in session. However, he or she may be reappointed as an additional member in the same or another non-commission county without further examination in the next succeeding year and he or she may be appointed or elected as a regular member in any county without further examination for a

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term beginning in or immediately following the year for which he or she served as an additional member.

a)

1) Examinations--in--counties--that--appoint--Board--of--Review members--Examinations--administered--by--the--Department--to determine--whether--persons--are--eligible--to--serve--on--the--Board--of Review--are--required--in--counties--under--township--organization--that appoint--members--to--the--Board--of--Review--and--either--have--100,000--or more--and--fewer--than--3,000,000--inhabitants--or--have--imposed--an examination--requirement--by--resolution--If--the--presiding--officer of--the--County--Board--does--not--intend--to--either--reappoint--a--member of--the--County--Board--or--appoint--a--person--from--the--Department's list--of--those--currently--eligible--for--appointment--in--that--county, the--presiding--officer--shall--request--that--the--Department--give--a qualifying--examination--The--request--for--the--examination--shall--be made--at--least--21--days--before--the--date--for--appointment.

2)

Examinations--in--counties--that--elect--Board--of--Review members--Examinations--administered--by--the--Department--to determine--whether--a--person--is--eligible--to--be--elected--to--the--Board of--Review--are--required--in--counties--that--have--imposed--an examination--requirement--by--resolution--If--an--individual--not currently--on--the--Department's--eligibility--list--files--nomination papers--to--run--for--election--to--the--Board--of--Review--the--County Clerk--shall--request--that--the--Department--give--a--qualifying examination--The--examination--shall--be--requested--within--5--days after--the--deadline--for--filing--nomination--papers--for--election--and the--Department--shall--give--the--examination--within--21--days--after such--request--The--request--for--the--examination--may--be--made--by--the presiding--officer--of--the--County--Board--and--if--the--presiding officer--has--made--such--a--request--the--County--Clerk--need--not--do--so.

3)

The--presiding--officer--of--the--County--Board--or--the--County--Clerk--who requests--the--examination--be--given--shall--publish--a--notice--in a local--newspaper--of--general--circulation--in--the--county--at--least seven--days--before--the--examination--is--given--The--notice--shall include--the--date--time--place--and--purpose--of--the--examination and--shall--indicate--that--study--materials--are--available--and--that--the examination--and--facilities--are--accessible--to--handicapped individuals--and--shall--indicate--that--interested--parties--shall--file out--and--deliver--an--application--to--the--official--who--published--the notice--by--10--A.M.--of--the--business--day--before--the--examination--is scheduled.

4)

If--no--individual--has--registered--to--take--the--examination--by--10 A.M.--of--the--business--day--before--the--examination--is--scheduled--the presiding--officer--of--the--County--Board--or--the--County--Clerk--as--the case--may--by--shall--immediately--telephone--and--inform--the Department--and--the--examination--may--be--cancelled--If--an examination--is--held--the--Department--shall--accept--applications--up to--the--time--of--the--examination.

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

b) Names--of--persons--who--pass--the--examination--administered--in--any--county by--the--Department--shall--be--placed--on--an--eligibility--list--for--that county--upon--notification--to--the--county--by--the--Department--Such persons--shall--remain--on--the--list--in--that--county--and--be--eligible--for election--as--a--member--or--appointment--either--as--a--regular--member--or--as an--additional--member--appointed--to--hear--complaints--in--an--emergency situation--for--a--period--of--three--years--for--the--date--the--examination was--taken--A--person--on--the--eligibility--list--as--of--the--date--an appointment--is--made--or--the--date--a--primary--ballot--is--certified--shall--be considered--as--having--met--the--examination--requirement--even--though--the three--year--period--may--expire--between--the--date--of--the--appointment--or date--the--primary--ballot--is--certified--and--the--date--the--person--assumes office.

c) A--person--who--has--passed--an--examination--administered--by--the--Department and--has--been--appointed--or--elected--as--a--regular--Board--of--Review--member in--any--county--is--eligible--for--reappointment--or--re-election--in--that county--for--the--immediately--succeeding--term--and--each--consecutive--term thereafter--without--further--examination--A--person--so--appointed--as--a regular--member--is--also--eligible--for--appointment--as--an--additional member--without--examination--to--hear--complaints--during--the--session--of the--Board--of--Review--next--succeeding--expiration--of--his--regular--term--and during--the--session--of--the--Board--of--Review--in--each--consecutive--year thereafter.

d) A--person--who--has--passed--an--examination--administered--by--the--Department and--has--been--appointed--as--an--additional--member--in--that--county--to--hear complaints--in--an--emergency--situation--shall--be--appointed--to--serve--only until--adjournment--of--the--Board--of--Review--then--in--session--However--he or--she--may--be--reappointed--as--an--additional--member--in--that--county--the next--succeeding--year--and--be--appointed--as--a--regular--member--in--that county--for--a--term--beginning--during--or--immediately--following--the--year for--which--he--or--she--served--as--an--additional--member--without--further examination.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 9909 effective August 2, 1999, for a maximum of 150 days)

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the settlement of Midwest Asbestos Removal Service Inc. v. Martin et al., 87 CH 09282, the Director of the Department of Labor gives notice that the Midwest Asbestos Removal Service Inc. ("MARS"), and Brian Flanagan individually and as President of MARS, P.O. Box 933, Tinley Park, Illinois 60477 and 8110 W. 185 Street, Mokena, Illinois 60448-9774, are prohibited from being awarded any contract or subcontract for a public works project for asbestos removal from the State of Illinois, or any political subdivision thereof for two years.

Information and questions regarding this notice shall be directed to:

Scott D. Miller
Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1811

ILLINOIS STATE TREASURER'S OFFICE

NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

Pursuant to Public Act 91-0016, the Illinois State Treasurer's Office is publishing the names and last known addresses of unclaimed property owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have a reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact this Agency for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

UNCLAIMED PROPERTY DIVISION
ILLINOIS STATE TREASURER'S OFFICE
P.O. Box 19495
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, (765 ILCS 1025/12).

A TAT BELL LABORATORIES	PM IL 511 101 JFF PARKWAY SHORT HILLS NJ 07078
AAA MICHIGAN	29230 BUCKINGHAM OFF LIVONIA MI 48154
AARP PRUDENTIAL	PO BOX 13999 PHILADELPHIA PA 19187
ABC NEWS	47 WEST 66TH STREET NEW YORK NY 10023
ABDULLAH	MARGARET S 75 3424 BLOOMINGTON AVE S MINNEAPOLIS MN 55407
ABLES	CHARLES E 509 N COLLEGE TRENTON TN 38358
ACB	9TH FL 47 W 66TH NEW YORK NY 10023
ADENMALLA	SHIREEN D ONTARIO CANADA 10 HANSBURY PLACE FA 00000
ADOLFSON	ROBERT APT 202 2808 RULEME EUSTIS FL 32726
ADOLFSON	ROBERT APT 202 2808 RULEME ST EUSTIS FL 32726
ADVANCE REHAB SERVICE	413 INDIAN HILLS TRAIL MARIETTA GA 30068
AERIAL VIEWS	39 N PLATT STREET ALBION NY 14411
AETNA	PO BOX 28060 SAN ANTONIO TX 78228
AETNA	PO BOX 4010 HARTFORD CT 06147
AETNA	PO BOX 706 WINDSOR CT 06095
AETNA CASUALTY & SURETY	PO BOX 800 ENFIELD CT 06082
AETNA INS	PO BOX 6610 LEAWOOD KS 66206
AETNA LIFE INS	

	DOVER DE 19903
AETNA LIFE INSURANCE CO	PO BOX 6610 LEAWOOD KS 66120
AFFILIATED FOOD STORES	PO BOX 1000 KELLER TX 76248
AFRICA PERSPECTIVE	COUNCIL OF UNIVERSITY OF WATWATERLAND FA 00000
AFRA HEALTH FUND	850 THIRD AVENUE NEW YORK NY 10022
AHERN	BRIDIE WEST INCH ANNASCAUL CO KERRY IRELAND FA 00000
ALEXANDER	DAWN APT 72 1822 CHANDLER RD STATESBORO GA 30458
ALLSTATE INSURANCE	PO BOX 1064 BUFFALO NY 14240
ALMEDEJAR	NENITA IL 65255
ALMIRANTEFRANTZIS	SANCREEZ CANADA APARTADO POSTAL 20167 CANADA FA 00000
ALPHA SALES ASSOCIATES INC	503 REBA ST MCKEESPORT PA 15132
ALTA ADMINISTRATORS	PO BOX 105436 ATLANTA GA 30348
AMER SOC ASSOC EXEC	PO BOX 79263 BALTIMORE MD 21279
AMERICAN ARTISTS REP INC	APT 1 W 353 W 53 ST NEW YORK NY 10019
AMERICAN GAS ASSOCIATION	PO BOX 79230 BALTIMORE MD 21279
AMERICAN MEDICAL CENSUS CORP	2394 E CAMELBACK RD PO BOX 29102 PHOENIX AZ 85038
AMERICAN PACIFIC	PO BOX 10300 TAMUNING GUAM GUAM FA 00000
AMERICAN SOCIETY OF HOSPITAL PHARM	SUITE 2192 7272 WISCONSIN AVENUE BETHESDA MD 20814

AMERICAN TRUST	PO BOX 87	SHAWNEE MISSION	KS	66201
AMETEK SCHUTTE	BENSALEM		PA	19020
AMVETS	4647 FORBES BLVD	LANHAM	MD	20706
ANAYA	C 8739 AVIS	DETROIT	MI	48209
ANDERSON	PO BOX 63183	ST LOUIS	MO	62163
ANDLER	PO BOX 344	BENMIDJI	MN	56601
ANGELITUD	65 TERRA HAUTE AV	JENSEY CITY	NJ	07305
APOSTOLIC INSTITUTE	30 E 42ND ST JOHN PEGG TREASURER	NEW YORK	NY	10017
AQUINO	CHRISTOPHER	RTE 2 BOX 3079	NM	87505
AQUINO	LOIS	SANTA FE	NM	87505
ARCERSINGER	HOLLISTER	G	NY	12148
ARNOLD	MATILDA	300 E 40TH ST	NY	10016
ARNOLD WHITE & DURREE		PO BOX 4433	TX	77210
ASH	GEORGE	E SUNSHINE FUND BOOKKEEPING	NY	10017
ASPEN PUBLISHERS INC		PO BOX 911	MD	21701
ASSOC FOR CLINIC PASTORAL		11520 LOWELL	KS	66210
ASTRA MERCK		725 CHESTERBROOK BLVD	PA	19087

ATKINSON	ROB	V 415 KNOWLES	MT	59812
ATLANTA PLASTIC WORK		2367 BYNUM RD	GA	30319
ATT 800 DIRECTORY SALES		PO BOX 9006	NJ	07509
AUER & CO		BANKERS TRUST CO PO BOX 704	NY	10008
BABUSHKIN	OLGA		IL	65255
CADER & ASSOCIATES		PO BOX 2106	MD	20852
BAHR	REBECCA	B 29 COLE RD REBECCA BAHR BURGESS	NY	14534
BAILLYS BIG R SUPPLY		1D W HWY 50	KS	67846
BAKER	COTSELL	456 GREENE AVE	NY	11216
BAKER	FLORENCE	456 GREENE AVE	NY	11216
BAKER & MCKENZIE		112 ADELAINE ST EMT	FA	00000
BANKS	SISTER JOYCE	1475 BELL MANAR DR	TN	38138
BANUELOS	MARIA	SAN BORJA 6111 CO DEL VALLE	FA	00000
BARBACCIA	THOMAS	30 COTTONWOOD CT	NY	00000
BARBIERI	CARMELINE	M 350 FIFTH AVE IRA SARINSKY & CO PC	NY	10018
BARBIERI	ROBERT	A 350 FIFTH AVE IRA SARINSKY & CO PC	NY	10018
BARFIELD	THOMAS	V RT 1 BOX 671	GA	31786
BARK LTD		191011 ST ST PETERSBURG RUSSIA		

BARKER	HENRY	B 304 UPLAND CHESTER	FA 00000
BARON	RAYMOND	S 123 GROVE CEDARHURST	PA 19013
BARROW	GUY	H BOX 2009 PECK SLIP STATION NEW YORK	NY 11516
BARTZ	ROGER	2341 ROUTE 98 VARYSBURG	NY 10272
BAUMGARTNER	JOHN	819 19TH STREET 34 GREELEY	NY 14167
BAUSCH & LOMB		1901 JEFFERSON ST LAREDO	CO 80639
BC BS COLORADO		700 BROADWAY DENVER	TX 78041
BD OF EDUCATION COMMUNITY SCH DIS 8		660 WHITE PLAINS ROAD BRONX	CO 80273
BEADEL	EDWARD	F 5897 MAIN STREET MEXICO	NY 10473
BEADEL	SAMANTHA	W 5897 MAIN STREET MEXICO	NY 13114
BEARING DISTRIBUTORS		5571 CAREY AVE DAVENPORT	NY 13114
BECHTI	KAMEL	21 AV HABIB BOURGUIBA KSAR HELLAL TUNISIA	IA 52807
BELL	HATTIE	SEVENTH AT TOWN CLOCK SQUARE DUBUQUE	FA 00000
BELLSOUTH TELECOMMUNICATIONS		85 ANNEX ATLANTA	IA 52001
BENJAMIN	LINDA	T 267 WOODLAND AVE WESTFIELD	GA 30385
BERKSON	ANN	APT B 95 OAKBROOK DR WILLIAMSVILLE	NJ 07090
BERLINER	SELMA	M 365 WEST END AVE NEW YORK	NY 14221
			NY 10024

BERNARDOMOTA	JOSE	LASZARO CARDENAS 1144401 MEXICO DF	FA 00000
BERNSDORF	STEPHANIE	RINGELBREITE 3 4925 VARENHOLZ GERMAN FA 00000	FA 00000
BERNSTEIN	LAWSON	S AUSTRIAN LANCE & STEWART NEW YORK	NY 10112
BIANCHETTI	FRANK	3036 BAILEY BRONX	NY 10463
BINDER	MIKHAIL	32 71 23RD STREET ASTORIA	NY 11106
BINGHAM & SONS LANDSCAPING		3740 FM 482 NEW BRAUNFELS	TX 78132
BLACKMON	O	L 1100 LANRKFORD RD BOWERSVILLE	GA 30516
BLANK	RUTH	G APT 18H 215 PARK ROW NEW YORK	NY 10038
BLDG SERV EMP RET & PENS		PO BOX 257 NEW YORK	NY 10004
BLUCE DODGE		2088 DUGAN RD OLEN	NY 14760
BLUE CROSS BLUE SHIELD		GRAND CENTER NEW YORK	NY 10009
BLUE CROSS BLUE SHIELD		PO BOX 5577 NEW YORK	NY 10009
BLUE CROSS BLUE SHIELD		75 CHRYSTAL RUN RD MIDDLETON	NY 10943
BLUE CROSS BLUE SHIELD OF DELAWARE		PO BOX 1991 WILMINGTON	DE 19899
BLUE CROSS BLUE SHIELD OF NEW YORK			NY 00000
BLUE CROSS MARYLAND		PO BOX 1665 CUMBERLAND	MD 21501
BLUE CROSS OF NEW YORK		GRAND CTR STA IBM PROCESS CTR NEW YORK	NY 10163

ILLINOIS REGISTER		9927	99
BLUM & FINK INC	12TH FLOOR 333 SEVENTH AVENUE NEW YORK	NY 10001	
BOLANDER	ROBERT	1031 S MARLYN AVE BALTIMORE	MD 21221
BOWI INTERNATIONAL		1521 RITCHIE HIGHWAY ARNOLD	MD 21012
BORDMAN	MARY	J 211 30 34TH AVE BAYSIDE	NY 11361
BORIC	MARIE	APT 610 1121 ALBION ST DENVER	CO 80220
BORN	JOHN	H 39 EAST 79 STREET NEW YORK	NY 10021
BOSCH BRAKING SYSTEMS		PO BOX 1872 SUMTER	SC 29151
BOUCHAUD	M SENGÉ	BOX 395 CHURCH ST STATION NEW YORK	NY 10008
BOWDEN	JOHN	1395 10TH SALINA	KS 00000
BOWNADAMS	WILLIAM	PO BOX 682 GREENWOOD LAKE	NY 10935
BRADLEY	DEBRA	100 GOLD ST 2ND FLOOR NEW YORK	NY 10292
BRANDENBURG	E	J BOX 299 WAVERLY	IA 50677
BRANDENBURG	EVA	M BOX 299 WAVERLY	IA 50677
BRASSOCK CENTER BEHV MED		2201 ARDMORE BLVD PITTSBURGH	PA 15221
BREMENTONNE MALL		888 7TH AVE NEW YORK	NY 10106
BROOKHAVEN NATL LAB		CHEMISTRY DEPARTMENT UPTON	NY 11973
BROOKLYN TEMPLE SDA W FYFFE		3 LEWIS AVE BROOKLYN	NY 11206
BRUNS NORDEMAN & COMPANY		115 BROADWAY	

ILLINOIS REGISTER		9928	99
BUCKST	DAN	H	NEW YORK NY 10006
BUEGE	PAULA	J PO BOX 133 MIDDLETON	NY 10234 WI 53562
BUILDING SERVICE EMP RET		SHEARSON LEHMAN BROS A C 313 07383 NEW YORK	NY 10004
BUILDING SERVICE EMPLOYEE		PO BOX 257 NEW YORK	NY 10004
BURCH	DAVID	210 TAYLOR DR HURRICANE	WV 25526
BURTON	R	D AUKLAND 7 1 TAKAHE RD TITIRANGI NEW ZEALAND	FA 00000
BUTLER	EMMA	A 24 10TH NW MASON CITY	IA 50401
BUTLER	GEORGE	22 CARDISS CT WHITBY ONTARIO L1N 5N9 CANADA	FA 00000
CABRERA	ROBERTO	SIERRA FRIDA NO 120 LOMAS DE CHAPULTE MEXICO DF	FA 00000
CACIBAN		PO BOX 1622 DES MOINES	IA 50309
CAMPBELL	SAMUEL	774 S 15TH PHILADELPHIA	PA 19146
CAPITAL LODGE NO 110 AF A		501 MASONIC TEMPLE DES MOINES	IA 50309
CAPTIL CTTIS ABC INC		PO BOX 1601 NEW YORK	NY 10023
CAREERTRACK PUBLICATIONS		3085 CENTER GREEN DRIVE BOULDER	CO 80301
CARLSON	LARERIC	3400 W CENTRAL PARK AVENUE DAVENPORT	IA 52804
CARMICKEL	MABEL	2112 THIEDFORD DRIVE DALLAS	TX 75217
CARRON	MICHELE	F 17048 4TH AVE NE SEATTLE	WA 98155

CBS NT	530 WEST 57TH ST NEW YORK	NY	10019	CIGNA WORKERS COMPENSATION	PO BOX 9300 SHERMAN	TX	75091
CENDON	287 BOWMAN AVENUE PURCHASE	NY	10577	CIRCUIT COURT CLERK	14741 GOVERNOR ODEN B UPPER MARLBORO	MD	20772
CENTURY TELEPHONE CO	PO BOX 6000 MARION	LA	71260	CISEK	EMILY	AZ	85715
CESTA	531 BATTLE RD SYRACUSE	NY	13203	CISEK	JOSEPH	AZ	85715
CHAMBRE REGIONALE DE	COMPTÉ 33002665 BP 645 BRAZZAVILLE C FA 00000			CLARK	GERALD	CO	80910
CHAMPTAL	APT 203 2004 COLERIDGE RD SILVER SPRINGS	MD	20902	CLAUS	RAY		
CHANDLER	L BROWNSVILLE	TN	38012	CLEVELAND CLINIC FLORIDA		IL	00000
CHAPIN	C 4 E 65TH APT 2A NEW YORK	NY	10021	CNTRL COMMCTNS	SUITE 118 1150 NRTTHMDW PKWY ROSWELL	GA	30076
CHARTIER	L SHEARSON LEHMAN BROS NEW YORK	NY	10004	COBBS	DOUGLAS	GA	31601
CHARTIER ROBERT	L PO BOX 257 NEW YORK	NY	10004	COBRA FAMILY HEALTH PLANS	PO BOX 408 LINWOOD	NJ	08221
CHASE LINCOLN FIRST	PO BOX 92957 ROCHESTER	NY	14604	COLEMAN	DONNA	FL	33102
CHEMICAL BANK	PO BOX 353 MOORESTOWN	NJ	08057	COMMONWEALTH OF MASS		IL	00000
CHENIER	PO BOX 1764 JACKSON	MS	39205	CONDOM	JUDITH	CO	80274
CHICAGO GRAPHIC ARTS	PO BOX 3137 SCOTTSDALE	AZ	85271	CONNECTICUT GENERAL LIFE	600 W TAYLOR AVE SHERMAN	TX	75090
CHRYSLER CREDIT CORPORATION	PO BOX 15014 ALBANY	NY	12212	CONTINENTAL LOSS ADJUSTIN	ONE CONTINENTAL DR CRANBURY	NJ	08570
CHUUK STATE LEGISLATURE	PO BOX 27 TRUK	GU	00000	COOPER	CHRISTINE	MO	65255
CIGNA	PO BOX 2170 BALA CYNWID	PA	19004	COOPERSVILLE AREA PUBLIC SCHOOLS	198 EAST ST COOPERSVILLE	MI	49404
				COORD INTL DES CHERCHEURS	93430 VILLETANEUSE FRANCE		

CORMACK	WILLIAM	7721 POLARA PLACE ROCKVILLE	FA 00000	CUTTER & DIXON	29 BROADWAY NEW YORK	NY 10006
CORPORATE EXPRESS			MD 20855	CY FAIR HAND THERAPY	PO BOX 73547 HOUSTON	TX 77273
COSS	ETHEL	J 1140 CHARLAND COQUITLAM CANADA	CO 00000	DANKEL	JOCYLEN PO BOX 122 BUCKSPORT	ME 04416
COULIBALY BAKARY K		BAMAKO NALI	FA 00000	DANKEL	MARION C PO BOX 122 BUCKSPORT	ME 04416
COULTER	VERA	107 CARRICK HAMILTON ONTARIO CANADA	FA 00000	DANKEL	NANCY J PO BOX 122 BUCKSPORT	ME 04416
COUPELLIER	GENEVIEVE	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 00000	DAVID	PRUITT 2704 SHED RD BIOSSE CY	LA 71111
COMEN & CO		BOX 52 BOWLING GREEN STATION NEW YORK	NY 10004	DAVIS	MARY 2436 FEDERAL AVE 2 WEST LOS ANGELES	CA 90064
CRAIG	MARIE	1600 COLLINS AV MIAMI BEACH	FL 33139	DAVISON	ROBERT D RT 2 BOX 320 QUITMAN	GA 31643
CRAIG	MARILYN	R 1600 COLLINS AV MIAMI BEACH	FL 33139	DAYSRING MEDICAL	1936 BEACON COURT BOULDER	CO 80302
CREIGHTON	BETH	4508 EDMUNDSON DALLAS	TX 75205	DEAL	CHARLES A 167 CROSS CREEK FARM RD BROOKLET	GA 30415
CRISTI	HENRY	582 1162 SUKUNOIT 63 THAILAND	FA 00000	DEAN WITTER REYNOLDS	PO BOX 1953 CH ST STA NEW YORK	NY 10008
CRISTIANO	NELLO	J 1916 52ND ST KENOSHA	WI 53140	DELAWARE AMERICAN LIFE IN	TWO WORLD TRADE CENTER NEW YORK	NY 10048
CROSSMARK INC		PO BOX 911483 DALLAS	TX 75391	DELAWARE STATE OF		IL 00000
CROWDERS QUALITY PLUS		116 MELWOOD STREET KINGSFORD	TN 37660	DELTA AIRLINES	1030 DELTA BLVD ATLANTA	GA 30320
CT CORPORATION SYSTEM		PO BOX 1421 NEW YORK	NY 10126	DEMONBRISON	ARNAUD SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008
CUELLAR	MELVA	HALLSVILLE	MO 65255	DEMURO	LINDA 173 ROSE ST FREEPORT	NY 11520
CULLEN	DONNA	14205 JOYCE DYER	IN 46311	DEMURO	SAVINO 173 ROSE ST FREEPORT	NY 11520

DENICOLAY	PHILLIFE	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008	DOOD	JAN	B 500 BOURKE ST MELBOURNE VICTORIA 300 AUSTRALIA	FA 00000
DENVER DEVELOPMENT		PO BOX 6919 DENVER	CO 80206	DOLAN	ROSE	A 35 E HARTSDALE HARTSDALE	NY 10530
DENVER MARRIOTT		1701 CALIFORNIA DENVER	CO 80202	DOLITSKY	LIBBY	1721 JOHN ST MERRICK	NY 11566
DEROTHCHILD	ELIE	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008	DONALDSON LUFKIN & JENNET		BOX 358 PECK SLIP STATION NEW YORK	NY 10272
DEROTHCHILD	GUY	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008	DORSEY SAFETY PRODUCTS		PO BOX 23565 CHATTANOOGA	TN 37422
DEROTHCHILD	DAVID	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008	DORWITT	ROSE	620 PELHAM RD NEW ROCHELLE	NY 10805
DES MOINES BOARDWORKS		6600 DOUGLAS AVE DES MOINES	IA 50322	DOUGLAS	DERRICK	221 SETTLERS PK DR SURVPRT	LA 71115
DETCERRY	MARIE MADALEIN	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008	DOUGLAS COMPANIES		200 EXCHANGE CONWAY	AR 72032
DETWER	JERYL	K 314 7TH STREET NE CLARION	IA 50525	DREYFUSS	FRIEDA	100 OVERLOOK TERRACE NEW YORK	NY 10040
DEWEES	LOUISE	N APT A3 180 HILTON HEMPSTEAD	NY 11550	DRUG NEWS PERSPECTIVES		APARTADO DE CORREOS 540 BARCELONA 08 SPAIN	FA 00000
DICKSON	ELIZABETH	F 54 CHAPEL PL AMSTERDAM	NY 12010	DRUSZCZAK	JOHN	9426 CAMP LAKE RD BOX 236 CAMP LAKE	WI 53109
DILLARD	BARRY	D 8060 CARTHAGE HWY LEBANON	TN 37087	DURBIN	LOUISE	H 597 FOREST AVE NEW ROCHELLE	NY 10804
DILLARD DEPT STORES		PO BOX 486 LITTLE ROCK	AR 72203	DUSSEL	ANTOINE	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008
DIVERSIFIED CONSULTANTS		PO BOX 870068 DALLAS	TX 75287	EASTERN BENEFIT SYSTEM		200 FREEMAN DRIVE E EAST ORANGE	NJ 07018
DIVERSIFIED CONSULTANTS		SUITE 515 5025 ARAPAH0 ROAD DALLAS	TX 75248	EDA	KIDEAKI	2550 28 TOKOROZAWA SHINMACHI SAITAMA PREF JAPAN	FA 00000
DOBBS	BILL	V BOX 307 LYONS	NY 14489	EDELMAN	ETHEL	M C O CAROL GOLDSTEIN 825 WEST END APT NEW YORK	NY 10025
DODD	IAN	B 500 BOURKE ST MELBOURNE AUSTRALIA IL 00000		EDWARD SHULMAN REPORTING CO		STE 400 132 NASSAU STREET NEW YORK	NY 10038
DODD	IAN	B 500 BOURKE ST MELBOURNE VICTORIA 300					

EF HUTTON & CO	ONE BATTERY PARK PLAZA NEW YORK	NY 10004
EKLUND	ELIZABETH 100 LAKE DR BIRMINGHAM	AL 35213
ELAMEX DE NUEVO LAREDO SA	PO BOX 420267 LAREDO	TX 00000
ELECTROCEN CA	OFICINA 908 CHUAO CARACAS VENEZUELA FA 00000	
ELSON	ESTELLE APT 56 417 MARGARET ST PLATTSBURGH	NY 12901
EMER MED ASSOC OF IN		IN 00000
EMER MED ASSOC OF IND		IN 00000
ENDICOTT TRUST CO	WASHINGTON AVENUE ENDICOTT	NY 13850
ENGEL	RALPH 1365 YORK AVE NEW YORK	NY 10021
ENNIS	MATTHEW IRELAND	FA 00000
EQUICOR	PO BOX 10370 DES MOINES	IA 50306
EQUICOR INSURANCE CO	PO BOX 10370 DES MOINES	IA 50306
ESTES	CARL O 111 W 9TH STORM LAKE	IA 50588
ESTES	EVELYN C 111 W 9TH STORM LAKE	IA 50588
EVANS	LILLY 437 WALNUT STREET ALLENTOWN	PA 18102
FALEY	HELEN E 4428 HIGHWOOD DRIVE FORT WAYNE	IN 46815
FARBAND EDUCATIONAL FUND	MINNEAPOLIS & ST PAUL SAUL RR NEW YORK	NY 10003

FARLEY	ELMER R 8587 ASKA RD BLUE RIDGE	GA 30513
FEDERAL COMMUNICATIONS COMMISSION	PO BOX 358250 PITTSBURGH	PA 15251
FEDERAL PLAN OVER PAYMENT	PO BOX 22230 BALTIMORE	MD 21801
FELLERMAN	CHARLES 876 KILMAHA NORTH WOODMERE	NY 11581
FELLERMAN	ROSE 876 KILMAHA NORTH WOODMERE	NY 11581
FERM	RICHARD D 250 ROTTERDAM 2 HOLLAND HOLLAND HOLLAND	FA 00000
FEROLIE CORPORATION	PO BOX 1545 ENGLEWOOD	NJ 07632
FINAST	500 NORTH ST WINDSOR LOCKS	CT 06096
FINGER	ANNMARIE 810 WEST CENTER STREET MEDINA	NY 14103
FINLEY	ROBERT 2143 KINGWOOD DR KINGWOOD	TX 77339
FIRST BAPTIST CHURCH	PO BOX 40 OSWEGO	KS 67356
FIRST FIDELITY BANK	100 FIDELITY PLAZA NORTH BRUNSWICK	NJ 08905
FIRST INTL BK OF ISRAEL LTD	SIALOM TOWER 9 ACHAD HAAM STREET FA 00000	
FLEMINGS	MARY 218 CHADWICK 2 NEWARK	NJ 07112
FLOOR	DANIEL HWY 137 S PO BOX 648 EDDYVILLE	IA 52553
FOCUS HEALTH CARE MGMT	7101 EXECUTIVE CENTER DR 375 BRENTWOOD	TN 37027
FOLEY	SOLOMON C 6803 N NAVARRO ST 127 VICTORIA	TX 77904
FOLEYS	PO BOX 1466	

FOMOLAFE	HOUSTON	TX	77251	GEORGE SHEEHAN & CO PENSI	JACQUES	22 S PENATQIERIT AVE BAY SHORE	NY	11706
	SAMUEL	APT 901 1110 FIDLER LANE SILVER SPRINGS	MD	20910	GETTEN	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY	10008
FORD GROUP OFFICE		3200 GREENFIELD ROAD DEARBORN	MI	48120		40TH FL 24800 NORTHWEST HWY SOUTHFIELD	MI	48034
FORD MOTOR CO		PO BOX 1718 DEARBORN	MI	00000		5700 WESTCHESTER AVE PURCHASE	NY	10577
FRANCE COMPRESSOR		104 PHEASANT RUN NEWTON	PA	18940		J 7 E 43RD ST NEW YORK	NY	10017
FRETTER APPLIANCES		35901 SCHOOLCRAFT LIVONIA	MI	48150		A 1627 MARRELL DETROIT	MI	48209
FRICK COMMUNITY HEALTH CTR		508 SOUTH CHURCH ST MT PLEASANT	PA	15666		AIBONITO APARTADO 1707	PA	00000
FUNDACAO PIONEIRASSOCIAIS		ISABEL 274 RIO DE JANEIRO RJ	FA	00000		1865 OCEAN AVE BROOKLYN	NY	11230
FUTURA PUBLISHING CO		PO BOX 418 ARMONK	NY	10504		HALLSVILLE	MO	65255
FVH CONVENTION		325 BIC DRIVE MILLFORD	CT	00000		AVENUE J J CROCK 15 BRUSSELS 1010 BELGIUM	FA	00000
GAPASIN	ANGELITA	A 1025 REGAL CANYON DR WALNUT	CA	91789		PO BOX 13 CHESTER	CA	31012
GARCIA	A	G PO BOX 5344 CAREFREE	AZ	85377		PO BOX 950 DENVER	CO	80201
GARTNER GROUP		56 TOP GALLANT ROAD PO BOX 10212 STAMFORD	CT	06904		2 107 PARK PLACE BROOKLYN	NY	11217
GAZETTE DU GOLFE		BP 03 1624 COTONOU BENIN	FA	00000		147 MACHRAY AVE WINNIPEG MANITOBA CA	FA	00000
GELDMAN	LILLIAN	APT 4D 67 40 YELLOWSTONE BLVD FOREST HILLS	NY	11375		8 SHORT DR ROSLYN	NY	11576
GELLES	LOUIS	91 MAIN ST LAKE PLACID	NY	12946		DEPT 700 PO BOX 740141 ATLANTA	GA	30374
GELLES	YENYHA	91 MAIN LAKE PLACID	NY	12946		1475 BELL MANAR DR GERMANTOWN	TN	38138
GENERAL SAFETY CORP		PO BOX 480 ST CLAIR SHORES	MI	00000				

ILLINOIS REGISTER			9941	99	ILLINOIS REGISTER			9942	99
HIMBER	I	A 38 20 BONNE FLUSHING	NY 11354		IND LICORERA EUZADI S		APARTADO PO PACIFICO NAHUILATE FA 00000		
HMO GREAT LAKES		PO BOX 49219 COLORADO	CO 80949		INDIANA DEPT OF		000000		
HNO IOWA		STE 500 601 LOCUST DES MOINES	IA 50309		INDUSTRIAL HANSA CA		APARTADO POSTAL 66783 LAS AMERICAS 1 VENEZUELA FA 00000		
HOFFMAN	HEATHER	A 4001 E P TRUE PARKWAY W DES MOINES	IA 50265		INFINET INC		600 MCCAFREY ST LAURENT QUEBEC H4T 6 CANADA FA 00000		
HOME FEDERAL SAVINGS BANK		59 07 71ST AVENUE RIDGEWOOD	NY 11385		INSTITUT CURIE SECT MEDICALE		26 RUE DULM CEDEX 05 PARIS 75231 FRANCE FA 00000		
HOOKEE	J	L 388 PINKSTON RD SHELBYVILLE	TN 00000		INTER CLAIMS		BOX 515095 DALLAS TX 75251		
HORAN	JOHN	M APT 7 C 160 COLUMBIA HEIGHTS BROOKLYN	NY 11201		INTNL PRINTING & GRAPHIC		PO BOX 999 BOWLING GREEN STATION NEW YORK NY 10274		
HORNBLOWER WEEKS NOYES &		8 HANOVER STREET NEW YORK	NY 10004		IOWA BOARD OF PHARMACY		1205 P COURT AVE DES MOINES IA 50319		
HOUSTON LIGHTING & POWER		PO BOX 1374 HOUSTON	TX 77251		IOWA ILLINOIS GAS & ELECT		205 PERRY ST PO BOX 4350 DAVENPORT IA 52808		
HOZORE	JACK	1175 FINDLAY BRONX	NY 10456		ISLAND AUTO		333 COLD STORAGE RD CRAIG AK 99921		
HUDDLESTON	ROBERT	PO BOX 133 MIDDLETON	WI 53562		IT IS FASHIONS		UNITED ARAB EMIRATES PO BOX 23401 FA 00000		
HUSENER	LILLIAN	12602 PINEROCK LANE HOUSTON	TX 77024		IV CONGRESSO LATINO AMERICANO		APARTADO POSTAL 624 GUAYAQUIL ECUADOR FA 00000		
HUNT	JERRY	K BOX 51 ALBION	IA 50005		JACOB	JOSH	922 SUBER ST COLUMBIA SC 29205		
HUNTER	CHANCEY	D 445 GERMATON AVE MT VERNON	NY 10552		JACOBSON	FRIEDA	APT 5R 30 E END AVE NEW YORK NY 10028		
HWANG	PAUL	555 UNIVERSITY AVENUE TORONTO ONTARI CANADA	FA 00000		JEMB NO 1 PTV LTD		D B MITCHELL & CO 5TH FLOOR 23 HUNTE AUSTRALIA FA 00000		
ILLINOIS MED GROUP ASSOC		PO BOX 17603 DENVER	CO 80217		JENSEN	LINDA	L 105 E HILLSIDE DR OLEWEIN IA 50662		
INCREDIBLE UNIVERSE		102 120 EAST ARLINGTON	TX 76018		JOHN HANCOCK		PO BOX 33169 DETROIT MI 48232		
					JOHN HANCOCK		PO BOX 4570		

JOHN WILEY & SONS INC	DEARBORN	MI	48126
	605 3RD AVE		
	NEW YORK	NY	10157
JOHNSON	1122 SOUTH 5TH STREET	AR	72006
	AUGUSTA		
JOHNSON	R PO BOX 1032	GA	31553
	NAHUNTA		
JOHNSON	R APT 1 321 W MAPLE	MI	48858
	MT PLEASANT		
JONES	109 31 111 ST	NY	11420
	OZONE PARK		
JOSE LLOREDA CAMACHO CO	APARTADO AEREO 12304	BOGOTA	
	COLOMBIA	PA	00000
JOYCE	APT 72 1607 S FRESNO	AR	72901
	FORT SMITH		
JUAREZ	S 2609 23RD AVENUE 32	CO	80631
	GREELEY		
JUST FUR FOX	145 WEST 30TH ST	NY	10001
	NEW YORK		
KAITH	R 296 KEITH LN	TN	37345
	HUNTLAND		
KAPERS	A 939 RIVER DRIVE	IN	46321
	MUNSTER		
KAPERS	939 RIVER DRIVE	IN	46321
	MUNSTER		
KEATS	3216 KOSSUTH	NY	10467
	BRONX		
KEATS	3216 KOSSUTH	NY	10467
	BRONX		
KELLY	WEST LAKE ROAD	NY	13035
	CAZENOVIA		
KENNEDY	E 10355 W 150TH TERR	KS	66221
	OVERLAND PARK		
KENNY	1020 PLANDOME RD	NY	11030
	MANHASSET		

KEOKUK AREA HOSPITAL	1600 MORGAN	IA	52632
	KEOKUK		
KIMBERLY SVCS INC UNKNOWN	8500 W 110TH ST	KS	66210
	OVERLAND PARK		
KIRSCH	88 39 237TH ST	NY	11426
	BELLROSE		
KLER	J 7028 N COUNTY RD 3	CO	80549
	WELLINGTON		
KLINGHOFFER	55 HOLLAND PL	NY	10530
	HARTSDALE		
KNAUS	212 VAUDEVILLE	TX	79912
	EL PASO		
KNITWEAR EMPLOYEES ASSOC	51 CHAMBERS ST	NY	10007
	NEW YORK		
KOPCHICK	187 SUPERIOR ST PO BOX 201	MI	48860
	MUIR		
KOPECKY	J 71 STONE RD E GUELPH	ONTARIO	
	NIGIW CANADA	PA	00000
KRULL	133 LORFIELD DR	NY	14266
	BUFFALO		
KRUSE	BOX 31	IA	52318
	NORWAY		
KUPEC	M 4061 SW COLLEGE ST	WA	98116
	SEATTLE		
KUPEC	F 4061 SW COLLEGE ST	WA	98116
	SEATTLE		
L&M FASTLANE	2817 N MACARTHUR	TX	75062
	IRVING		
LAFOREST	RIO PIEDRAS 00926	PUERTO RICO	
	PA	00000	
LAHOOD & ASSOCIATES	PO BOX 12170	KS	66282
	OVERLAND PARK		
LAHOOD ASSOCIATES	PO BOX 2986	KS	66212
	OVERLAND PARK		

LAJEUNESSE	PIERRE	300 SAMSON BLVD LAVAL QUEBEC HTY 2X6 CANADA	FA 00000
LANIER BUSINESS		PO BOX 105533 ATLANTA	GA 30348
LANIER WORLDWIDE INC		BOX 810 ATLANTA	GA 30398
LAUBER	RICHARD	8460 TIMBER CREEK DR CORDOVA	TN 38018
LAVAY	EDITH	141 E 61ST ST NEW YORK	NY 10021
LAVENDAR	VEARLE	1915 S BONSALL STREET PHILADELPHIA	PA 19145
LAWRENCE	SANDRA	NORTH END DURHAM CO CURHAM ENGLAND	FA 00000
LE MESSANGER		BP 5925 DOUALA CAMERON WEST AFRICA FA 00000	FA 00000
LEE	SHERMAN	17048 4TH AVE NE SEATTLE	WA 98155
LEMAIRE	L	L 001 PL 529 SHERBROOKE QUEBEC CANADA	FA 00000
LEONETTI	JESSICA	L APT 4 2028 NORTHPORT CORDOVA	TN 38018
LEPKOWSKI	BARBARA	9426 CAMP LAKE RD BOX 236 CAMP LAKE	WI 53109
LESTER CHARLEY		M 4034 HOLLYWOOD AVENUE SHREVEPORT	LA 71109
LEVINE	RUTH	W CLARENCE LEVINE WESTBURY HOME JERICHO	NY 11753
LEVY	DALTON	WALT WEITMAN SHOPPING CENTER HUNTINGTON STRATON	NY 11746
LHIW		PO BOX 10300 TAMUNING GUAM GUAM	FA 00000
LINCOLN NATIONAL		PO BOX 35715 COLORADO	CO 80935
LITHONTA LIGHTING		PO BOX 80043	

	LIVINGSTON	2ELMA	CONVERS	GA 30207
			T BOX 329 SOUTH SALEM	NY 10590
	LOCAL 169 AFL CIO PENSION		LONG ISLAND TRUST CO TRUST DEPT GARDEN CITY	NY 11530
	LOMA LINDA UNIVERSIT			IL 00000
	LONAS	KATHRYN	B 350 E 57TH ST NEW YORK	NY 10022
	LONDON	ELAINE	B CHEMICAL BANK 360 E 72ND ST NEW YORK	NY 10021
	LONDON PERSONNEL SERVICE		PO BOX 385 GLENSEIDE	PA 19038
	LOOPER	MARK	A 207 CHANCELOT DR SIMPSONVILLE	SC 29681
	MA	KYONG	C SEOUL KOREA YONGDO KY DUSAN CITY KOREA	FA 00000
	MABON NUGENT & CO		JONE LIBERTY PLAZA NEW YORK	NY 10006
	MACMILLAN	MARY	E 1721 ATHOL RD SCHENECTADY	NY 12308
	MAHER	TIMOTHY	C THIRRES CO 48 MAYNE RD TIPPERARY IRELAND	FA 00000
	MAI VIRGINIO SRL		VIA PIEMONTE 120 2100 VARESE ITALY	FA 00000
	MANUFACTURERS AND TRADERS TRUST CO		PO BOX 427 BUFFALO	NY 14240
	MARINE INDUSTRIAL SUPPLY		11719 N KATHY ST HOUSTON	TX 77071
	MARINE MIDLAND AUTO FIN CORP		PO BOX 2050 BUFFALO	NY 14240
	MARTIN	ANNAM	700 BW UNIVERSITY LAFAYETTE	LA 70506
	MASSACHUSETTS MUTUAL INS		STE 202 700 VETERANS HWY HAUPPAUGE	NY 11788

MASSEY	HUBERT	RT 4 BOX 2440 TIPTON	GA 31794
MATARAH INDUSTRIES		145 SARGENT DRIVE SNYDER	NY 14226
MATZ FOUNDATION EDEMAN D		253 BROADWAY NEW YORK	NY 10007
MAYNARD	ANTONIO	F AV GONCALO PRADO 1167 ARACAJU SE FA 00000	
MC CANN ERICKSON INC		485 LEXINGTON AV NEW YORK	NY 10017
MCCAFFERTY	PHILLIP	E 3640 HAROLD CT SE CEDAR RAPIDS	IA 52403
MCCAIN	KRISTY	L 514 EARTH CITY EXPWY EARTH CITY	MO 63045
MCCAIN	WILL	514 EARTH CITY EXPWY EARTH CITY	MO 63045
MCCALL GROUP		8711 E PINNACLE PARK SCOTTSDALE	AZ 85255
MCCAMIC & MCCMIC		56 14TH ST WHEELING	WV 26003
MCDONOUGH	TAMMY	APT 101 283 LORD BYRON COCKEYSVL	MD 21030
MCDUELL	WARLENA	19201 HARNED DETROIT	MI 48234
MCGILL	LINDA	OFF OSHO ST OPEBI IKEJA LAGOS NIGERIA	FA 00000
MCINTICE CO		22 RIVER STREET THOMASTON	CT 06787
MCLBOD TWO INC		221 THIRD ST TOWN CTR STE 500 CEDAR RAPIDS	IA 52401
MCLIN	JAN	6102 NOEL ST ALEXANDRIA	LA 71301
MCMANAMY	CHARLES	J 32 COURT ST RM 707 CAIN & GRUNNING E BROOKLYN	NY 11201

MCMANAMY	ROBERT	32 COURT ST RM 707 CAIN & GRUNNING E BROOKLYN	NY 11201
MCQUEEN	MAURICE	2536 ANDERDON DETROIT	MI 48215
MCRIOBB	WILLIAM	S APT 3 125 SUNSET DRIVE ITHACUS	NY 14850
MCRIOBB	WILLIAM	S APT 5F 87 BARROW NEW YORK	NY 10014
MCSFADEN	DAVID	F APT 2 169 E 90TH ST NEW YORK	NY 10128
MUM ANEE MARIE ANTOINETTE	DIANE CONSTAN C	LIMES PAVILLY 76570 FRANCE FA 00000	
MEANEY	THOMAS	W 80 LAMPLIGHT AVE HAMPTON BAYS	NY 11946
MED GROUP MGMT ASSN		104 INVERNESS TERRACE EAST ENGLEWOOD	CO 50112
MEDICAL IMAGING INC		SUITE 100 5604 WEST LEE BLVD PO BOX LAWTON	OK 73505
MEDICAL OFFICE MANAGER		PO BOX 500842 ATLANTA	GA 31150
MEDIPLAN		1717 ROUTE 208 FAIRLAWN	NJ 07410
MEIER & FRANK		PO BOX 3450 PORTLAND	OR 97208
MELECIO	DG	R SIWAJANA GUAM MONG MONG TOTO RD GUAM	FA 00000
MELMARKETS INC		99 QUENTIN ROOSEVELT GARDEN CITY	NY 11530
MERRIL LYNCH PIERCE FENNER & SMITH		165 BROADWAY ONE LIBERTY PLAZA NEW YORK	NY 10080
MERRIL LYNCH PIERCE FENNER & SMITH INC		165 BROADWAY ONE LIBERTY PLAZA NEW YORK	NY 10080
METROMEDIA PAGING		PO BOX 13634 PHILADELPHIA	PA 19101
METROPOLITAN LIFE		PO BOX 6064	

ILLINOIS REGISTER		9949	ILLINOIS REGISTER		9950
		99			99
METROPOLITAN LIFE	NEWARK 1 MADISON AVE NEW YORK	DE 19714 NY 10010	MORRIS	VALERIE	WEST FELTON OSWESTRY SHROPSHIRE SYLL FA 00000
METROPOLITAN LIFE INS	ONEIDA COUNTY INDUSTRIAL PK ORISKANY	NY 13424	MUELLER	IDA	N W SUBURBAN IL 00000
METROPOLITAN LIFE INSURANCE CO	PO BOX 232 NEW YORK	NY 10159	MULLEN	MICHAEL	21 CARTONS RD WILTSHIRE ENGLAND FA 00000
MIDOROVICH	85318 RADANOVICI ZAGORA YUGOSLAVIA FA 00000		MUTUAL LIFE OF NEW YORK		PO BOX 4830 SYRACUSE NY 13221
MIKOLAJSKI	137 16TH ST BROOKLYN	NY 11215	MYLES	KEVIN	M 232 SW LANE ST SEATTLE WA 97201
MILLER	S 33 CROOKE AVE BROOKLYN	NY 11226	MYLES	PHYLLIS	C 232 SW LANE ST SEATTLE WA 97201
MILLER FREEMAN INC	BRUSSELS BELGIUM CH DE CHARLESOT 123 FA 00000		N C A S		STE 1050 525 N WOODWARD BLOOMFIELD HILLS MI 48302
MILNER	E NEW YORK PLACE CHASE MANHATTAN BANK NEW YORK	NY 10004	NAACOG		PO BOX 304 ANNAPOLIS MD 20701
MIRIMAC FUND	35 E 72ND MANUFACTURERS HANOVER TRUS NEW YORK	NY 10021	NATIONAL COMMUNITY BANK OF N J		PO BOX 819 HASBROUCK HEIGHTS NJ 07602
MITCHELL	L 2755 LOCK 4 ROAD LINCOLN	AL 35096	NATIONAL CONFECTIONERY		4 BAXTER PQUANNOCK NJ 07440
MORENO	RTE 2 BOX 3079 SANTA FE	NM 87505	NATIONAL INSTITUTE OF PUBLIC		POSTBUS 1 THE NETHERLANDS FA 00000
MORGULAS	L 747 THIRD AVE NEW YORK	NY 10017	NATIONAL WESTMINSTER BANK		10 EXCHANGE PLACE EXCHANGE PLACE CEN JERSEY CITY NJ 07302
MORGULAS	L 747 THIRD AVE NEW YORK	NY 10017	NATI FIM BOARD OF CANADA		TORONTO ONTARIO ON MSC 156 CANADA FA 00000
MORI	525 2 KANOTSUNO KAGAWA TAKAMATSU 761 FA 00000		NBD MORTGAGE CO		PO BOX 331772 DETROIT MI 48232
MORRIS	WEST FELTON OSWESTRY SHROPSHIRE SYLL FA 00000		NEARY	GEORGE	350 FIFTH AVE IRA SARINSKY & CO PC NEW YORK NY 10018
MORRIS	A RFD 4 COLONIAL DR KATONAH	NY 10536	NEARY	GEORGE	T 162 38 97TH ST ROBERT A BARBIERI HOWARD BEACH NY 11414
MORRIS	M 3233 NW 20TH ST OKLAHOMA CITY	OK 73107	NELSON	MAUREN	R 3038 HOLLY HALL STREET HOUSTON TX 77054

ILLINOIS REGISTER			9951	99
NEW ENGLAND EMPL BENEFITS	1200 ASHWOOD PKWY ATLANTA	GA	30338	
NEWELL	GEORGE T 350 FIFTH AVE NEW YORK	NY	10001	
NEWELL	GRACE 365 STEWART AV GARDEN CITY	NY	11530	
NEWMAN	LAWRENCE G PO BOX 931 AGANA GUAM GUAM	FA	00000	
NEWROCK DESIMONE COURT REPORTERS	15 PARK RUN NEW YORK	NY	10038	
NONNAST	PAUL 182A NEWPORT RD CHANNURY	NY	10016	
OCASIO	AWILDA CAPARRA HEIGHTS	PA	00000	
OCHS	SHARON R APT B 205 4TH AVENUE MONROE	WI	53566	
OHARA	SHARON M 5625 W CROCUS DR GLENDALE	AZ	85306	
OHIO STATE UNIVERSITY		IL	00000	
OLIVEIRA	ELMA 926 S OAKLEY SCOTTDALE	AZ	00000	
OLSON	CONRAD L 403 GARFIELD AVE BURLINGTON	IA	52601	
OWNES	SYLVAIN SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY	10008	
ORAND SYSTEMS	UNIT 85 MISSISSAUGA L4W2M CANADA FA	00000		
ORENCIA	IVY 156 20 RIVERSIDE DR W NEW YORK	NY	10032	
ORENCIA	RICHARD M 156 20 RIVERSIDE DR W NEW YORK	NY	10032	
ORTH	CLINTON G 43RD ST NW MASON CITY	IA	50401	
ORTH	GRACE L 43RD ST NW			

ILLINOIS REGISTER	9952	99
ORTIZ	GLENDA	MASON CITY IA 50401
OXFORD H/TH PLAN		JUNCOS HC 1 BOX 5650 FA 00000
PACIFIC	GEORGIA	PO BOX 4033 CT 06820
PAINE WEBER JACKSON & CUR		55 PARK PL 15TH FL GA 30303
PAINE WEBER JACKSON & CUR		25 BROAD ST NY 10004
PAJUS	DAVID	25 BROAD ST NY 10004
PALOMARES	MARIETTA	RD 3 MILL ST GENERAL DELIVERY PUTNAM VALLEY NY 10579
PARKER	NANCY	HALLSVILLE MO 65255
PASCALE	ERNEST	101 GOLIGHTLY LYMAN SC 29365
PATIERNO	PIERLUCA	F 21 SHEPPARD ST GLEN HEAD NY 11545
PAUL	MINNA	M VIA MONTEVECCHIO 27 TORINO ITALY 101 ITALY FA 00000
PAUL GUILLUMETTE INC		G 7 E 43RD ST NEW YORK NY 10017
PENN GENERAL SERVICES		59 E 54TH ST NEW YORK NY 10022
PEPPERIDGE FARM INC		PO BOX 5123 SOUTHFIELD MI 48086
PERAREN	VIOLETA	595 WESTPORT AVE NORWALK CT 06851
PEREZ	MIGUEL	HALLSVILLE MO 65255
PETROLES MEXICANOS		FRACC VALLE DEL REY PUEBLA PUE 72140 MEXICO FA 00000
		AV MARINA NACIONAL 329 MEXICO FA 00000

PHELAN	CATHERINE	3882 MAIN ST NIAGARA FALLS ONTARIO CANADA	PA 00000
PHELAN	MURRAY	W 3882 MAIN ST NIAGARA FALLS ONTARIO CANADA	PA 00000
PIPER	ROBERT	L 594 ORANGEBURG RD PEARL RIVER	NY 10965
PITTMAN	WILLIAM	ARMED FORCES YMCA 609 F STREET ANCHORAGE	AK 99501
PIZZA HUT		PO BOX 2949 WICHITA	KS 67201
PM GROUP		3510 LINCOLN WAY AMES	IA 50010
POLAKOWSKI	THOMAS	S 137 16TH ST BROOKLYN	NY 11215
POLLY & CO		WALL STREET STATION PO BOX 1068 NEW YORK	NY 10005
POST MASTER MAILER EDUCATION		PO BOX 386 WINDSOR	CT 06006
POTTER	MARIE	AUSTRIAN LANCE & STEWART NEW YORK	NY 10112
POULENARD	MICHELLE	SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK	NY 10008
POWER SYSTEMS INC		7 HANOVER SQUARE NEW YORK	NY 10004
PRENTISS PROPERTY		SUITE 5000 1717 MAIN ST DALLAS	TX 75201
PRINCIPAL MUTUAL INS		PO BOX 65990 WEST DES MOINES	IA 50265
PRINCIPAL MUTUAL LIFE		711 HIGH STREET DES MOINES	IA 50392
PROFFITTS		PO BOX 388 ALCON	TN 37701
PROVIDENT LIF & ACCIDENT		PO BOX 30151 LANSING	MI 48909

PROVIDENT LIFE		BRISTOL	TN 37621
PROVIDENT LIFE		PO BOX 182565 CHATTANOOGA	TN 37422
PROVIDENT LIFE & ACCIDENT		PO BOX 182530 CHATTANOOGA	TN 37422
PROVIDENT LIFE INS		PO BOX 12047 CHATTANOOGA	TN 37401
PROVIDENT LIFE INSURANCE		PO BOX 30151 LANSING	MI 48509
PRUDENTIAL		PO BOX 13999 PHILADELPHIA	PA 19187
PRUDENTIAL		55 N LIVINGSTON AV ROSELAND	NJ 07068
PRUDENTIAL BACHE SECURITIES		BOX 2009 PECK SLIP STATION NEW YORK	NY 10272
PRUDENTIAL SECURITIES INC		315 HUDSON ST NEW YORK	NY 10013
PSYCHOLOGICAL CORP		PO BOX 839963 SAN ANTONIO	TX 78283
PSYCHOLOGICAL CORP		PROJECT 652 APA 555 ACADEMIC COURT SAN ANTONIO	TX 78204
PUBLIC SERVICE OF COLORADO		DENVER	CO 80255
QUANTUM HEALTH RESOURCES		361 INVERNESS DR ENGLEWOOD	CO 80112
RAKFIN		123 GROVE CEDARHURST	NY 11516
RAINEY		6015 LARIMER SQUARE SAN ANTONIO	TX 78249
RANDOLPH		2703 BROTHERS DR TUSKEGEE	AL 36083
RAPHAEL		D APT 27C 2764 SECOND AVE NEW YORK	NY 10028
RECK		EDNA	M 1838 BROWN ST

ILLINOIS REGISTER				9955	9956
				99	99
REICH	EDWIN	BETTENDORF M 350 FIFTH AVE NEW YORK	IA 52722	ROSE STEVEN	2225 ACADIA ROAD APT 304 FA 00000
REIN	MARGARET	150 PROSPECT AVE VALHALLA	NY 10001	ROSENBERG	BEATRICE SWISS BANK CORP 4 WORLD TRADE CENTER NEW YORK NY 10008
RELIANCE		4 PENN CENTER PLAZA PHILADELPHIA	NY 10595	ROSENBERG	VITA 38 20 BOWNE FLUSHING NY 11354
REZENDE	MARCOS	C 2UCRE 2950 BUENOS AIRES ARGENTINA FA 00000	PA 19103	ROSENTHAL	ALVIN 301 EAST 66 STE NEW YORK NY 10021
RICKABAUGH	JACK	D 1401 NW 141ST ST EDMOND	OK 73013	ROSTON	ELLSWORTH 1 NEW YORK PL22 NEW YORK NY 10015
RITER & CO		RITER PYNE KENDALL & HOLLISTER INC NEW YORK	NY 10005	ROSTON & SCHWARTZ DEF BEN	1 NEW YORK PL22 NEW YORK NY 10015
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RIVERA	NORMA	ALIBONITO	FA 00000	RYAN	JOHN H 255 DEAN BROOKLYN NY 11217
ROBERTS	GEORGIANA	W APT 509 1228 N 9TH ST LOUIS	MO 63106	RYSTAD	MARY E R R 2 MILFORD IA 51351
ROBINSON	LLOYD	S 508 RED OAK LN SAVANNAH	GA 31419	S SYMAN PUBLIC HEALTH LIBRARY	2 BEN TABAI STREET JERUSALEM ISRAEL FA 00000
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RODYENKO	BEATRICE	PO BOX 71 FORT WASHINGTON	NY 11050	SANNER	JAMES 10338 HIGH DRIVE LEAWOOD KS 66206
ROGERS JWLRs		PO BOX 152760 IRVING	TX 75015	SAULS	DERRICK 7400 ALBERCORN ST SAVANNAH GA 31406
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ROSARIO	MELICIO	G 866 SERENY AVE TAMUNING GUAM GUAM	FA 00000	SCHILNIK	DANIEL 60 E 42ND ST C O ZOLT & LOOMIS CPA NEW YORK NY 10165
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SCHOLASTIC ART AWARDS		S RTE 2 MALVERN	IA 51551	SHELDON J TURTLETAUB TRUS	PO BOX 71 PORT WASHINGTON	NY 11050
SCHROEDER	ELIZABETH	555 BROADWAY NEW YORK	NY 10171	SHIN	A PO BOX 561 WAYNESVILLE	MO 65583
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SCHWARTZ	CHAS	C O COUNTY TRUST BEDFORD	NY 10506	SIEGMUND	GORNHALDE WEG GERMANY	FA 00000
SCHWARTZ	CHAS	H 1 NEW YORK PLZZ NEW YORK	NY 10015	SILVER	APT 16D 710 WEST END NEW YORK	NY 10025
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SHADID FINANCE GROUP LTD		HALLSVILLE	MO 65255	SMITH	THELMA	
SHANK & CO L		125 PARK AVENUE OKLAHOMA CITY	OK 73102	SMITH KLINE BEECHAM	1150 FIRST AVE KING OF PRU	PA 19406
SHAYMAINE	VIRGINIA	PO BOX 1071 WALL ST STATION NEW YORK	NY 10005	SNACK	E RRS BOX 455 MUSCATINE	IA 52761
SHEAR TALENT		1 NEW YORK PLZ CHASE MANHATTAN BANK NEW YORK	NY 10015	SNEIDMAN	24 W 55TH ST NEW YORK	NY 10019
SHEARSON LEHMAN BROTHERS INC		SUITE 200 C 2100 ROSWELL MARIETTA	GA 30062	SOAR RESOURCES	18 EAST 50TH STREET NEW YORK	NY 10022
		1 WESTERN UNION INTNL PLAZA NEW YORK	NY 10004	SOARES	O NITEROI 24 250 RIO DE JANEIRO BRAZIL	FA 00000

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	FA 00000				FA 00000
SOFTWARE SPECTRUM INC	PO BOX 840150		STOUT	RUTH	C O PRESCOTT BALL & TURBEN
	DALLAS TX 75284				NEW YORK NY 10004
SOM	PETER	1 GUSTAVE LEVY PLACE	SUIT	CHARLES LEE	APT 1008 200 FT MEADE RD
SOMERS	DAVID	163WOODMONT RD	SUNG	SUP	LAUREL MD 20707
SOMERS		ROCHESTER NY 14260			K
SONNENSCHNEIN	SUSANNE	WOHNSTIFT AMMERSEE WEST GERMANY	SUTHER	GREGORY	6242 WOLVERINE PLACE
		FA 00000			WALDORF MD 20603
SOUTH HILLS DATACOMM		760 BEECHNUT DRIVE	SWANSON	VICKY	L 2832 MEADOW BROOK PLACE
		PITTSBURGH PA 15205			ONTARIO CA 91761
SOUTHERN BELL TEL		675 W PEACHTREE NE	SZLIVKO	CHARLES	219 HIGH ST
		ATLANTA GA 30375			EASTON PA 18042
SOUTHERN PAPER MILLS CO		PO BOX 6306 DAR ES SALAAM TANZANIA	TAVAREZ	CARLOS	CALLE FEDERNALES 93 ESN ESPAILLET ST
		TANZANIA FA 00000			REP DOM FA 00000
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		CHAMBLEE GA 30341			BINGHAMTON NY 13905
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					07632 SOUTH AFRICA FA 00000
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					DALLAS TX 75244
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TRAVELERS INSURANCE CO	PO BOX 2986 OVERLAND PARK	KS 66201
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U S SILICA COMPANY	PO BOX 360038 PITTSBURGH	PA 15250
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		6886 GLENVIEW		
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		WASHINGTON		
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		NEW YORK		
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		GARY		
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		GARY		
VERDE	ARMAND	1446 SANDY POINT AVE SE	MI	49546
		GRAND RAPIDS		
VIRE	MARY	617 ROYAL VALLEY RD	TX	75052
		GRAND PRAIRIE		
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		CANADA		
VITTA	JOHN	6913 18TH AVE	NY	11204
		BROOKLYN		
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		NEW YORK		
WANDEL	RITA	155 W 20TH ST APT 6J PO BOX 207	NY	10011
		NEW YORK		
WATERFORD 3		PO BOX B	LA	70066
		KILLONA		
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		CAMILLA		
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WESTERN FIDELITY INSURANCE CO		PO BOX 901010	TX	76101
		FORT WORTH		
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		DES MOINES		
WHOLE CHILD CLINIC		4701 WESTGATE BLVD	TX	78745
		AUSTIN		
WIESHEIER	JOHN	M 10 COUNTRY CLUB	CA	94941
		MILL VALLEY		
WIESHEIER	MARTIN	J 10 COUNTRY CLUB	CA	94941
		MILL VALLEY		
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		MEMPHIS		
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WINBURN	C	G 2 CHECKS PO BOX 86	SC	29511
		AYNOR		
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810 CEDAR
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WY 82633

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

JULY 1999 REGULATORY AGENDA

- a) Part: Local Tourism and Convention Bureau Program, 14 Ill. Adm. Code 550

1) Rulemaking:

A) Description: The Local Tourism and Convention Bureau Program rules are being revised to bring them more up to date with current travel industry trends.

B) Statutory Authority: Implementing and authorized by 20 ILCS 605/46.6a.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: September 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may have some effect on small municipalities where the local convention and visitors bureau funded by the program is a division of the municipality.

F) Agency contact person for information:

Name: Raya Petefish

Agency Rules Coordinator

Address: Illinois Department of Commerce and

Community Affairs

620 East Adams

Springfield, Illinois 62701

Telephone: (217) 785-6285

G) Related rulemakings and other pertinent information: None

- b) Part: Illinois Promotion Act Programs, 14 Ill. Adm. Code 510

1) Rulemaking:

A) Description: The Illinois Promotion Act Programs (Tourism Marketing Partnership Program, Tourism Attraction Development Grant and Loan Program, and Tourism Private Sector Grant Program) will be amended to improve the effectiveness of the programs and bring them more up to date with current tourism and travel industry trends.

B) Statutory Authority: Implementing and authorized by 20 ILCS 665.

C) Scheduled meeting/hearing date: To be announced

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JULY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: September 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking should have a positive effect on small businesses, small municipalities or not-for-profit tourism promotion organizations applying for matching grants under these programs.

F) Agency contact person for information:

Name: Raya Petefish
Agency Rules Coordinator
Illinois Department of Commerce and
Community Affairs
620 East Adams
Springfield, Illinois 62701
Telephone : (217) 785-6285

G) Related rulemakings and other pertinent information: None

c) Part: Housing and Community Development, 47 Ill. Adm. Code 120

1) Rulemaking:

A) Description: This rulemaking will specifically revise Section 120.115, CSBG Loan Program, in the CSBG rules and will also update other sections of the rules to reflect legislative and policy changes.

B) Statutory Authority: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 46.42 of the Civil Administrative Code of Illinois.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Minimal impact on community action agencies. They currently follow program guidelines and this rule revision will coincide with those.

F) Agency contact person for information:

Name: Raya Petefish
Agency Rules Coordinator
Illinois Department of Commerce and
Community Affairs
620 East Adams
Springfield, Illinois 62701

G) Related rulemakings and other pertinent information: None

e) Part: Economic Development through a Growing Economy (EDGE) Program,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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Telephone: (217) 785-6285

G) Related rulemakings and other pertinent information: None

d) Part: Job Training and Economic Development Demonstration Program, 56 Ill. Adm. Code 2660

1) Rulemaking:

A) Description: The Department will adopt rules for the administration of the Job Training and Economic Development Demonstration Grant Program which will reflect the intent of amended legislation, Public Law 90-0758. The rules will:

- 1) impose upon program providers the attainment of project performance prior to the reimbursement of expenses incurred in the implementation of the program.
- 2) Change eligibility criteria for the program participants.
- 3) Allow the renewal of provider agreements with successful participants which were competitively procured in the prior fiscal year.

B) Statutory Authority: Public Law 90-070758

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The not-for-profit organizations eligible for funds under this legislation will have to adjust data collection systems to comply with participant eligibility requirements and maintain sufficient cash reserves to cover expenses until they qualify for reimbursement. The ability to renew provider agreements will reduce time and effort in procurement.

F) Agency contact person for information:

Name: Raya Petefish
Agency Rules Coordinator
Illinois Department of Commerce and
Community Affairs
620 East Adams
Springfield, Illinois 62701
Telephone: (217) 785-6285

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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14 Ill. Adm. Code 527

1) Rulemaking:

- A) Description: Senate Bill 40, the Illinois Jobs through Competitiveness Act, creates the Economic Development Through a Growing Economy (EDGE) Program to be managed by DCA. The new program helps the state to compete in attracting firms that offer good jobs for Illinois workers by offering those firms that meet the eligibility criteria a tax credit for up to 10 years. This is a new rulemaking to implement the tax credit program.

B) Statutory Authority: SB 40 unsigned

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: Emergency and First Notice rules will be filed concurrently in August, 1999.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Small businesses creating at least 25 new jobs and investing a minimum of \$5 million in capital improvements could receive a tax credit for up to 10 years.

F) Agency contact person for information:

Name: Raya Petefish
Agency Rules Coordinator
Illinois Department of Commerce and
Community Affairs
Address: 620 East Adams
Springfield, Illinois 62701
Telephone: (217) 785-6285

G) Related rulemakings and other pertinent information: SB 40 is a multifaceted bill relating to Technology, Labor-management and the new EDGE program.

f) Part: Administrative Hearing Rules; 56 Ill. Adm. Code 2605.1) Rulemaking:

A) Description: New Part to establish administrative hearing rules for the Department of Commerce and Community Affairs.

B) Statutory Authority: Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act [5 ILCS

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100/5-10(a)(i) and Article 10].

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: The proposed rules were published in the July 2, 1999 Issue of the *Illinois Register*. These rules will be filed for second notice in August 1999.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Raya Petefish
Agency Rules Coordinator
Illinois Department of Commerce and
Community Affairs
Address: 620 East Adams
Springfield, Illinois 62701
Telephone: (217) 785-6285

G) Related rulemakings and other pertinent information: None

g) Part: Welfare-to-Work Block Grant Program; 56 Ill. Adm. Code 2665.1) Rulemaking:

A) Description: The proposed rules will establish a Welfare-to-Work Grant Program. These rules define the legislative base, necessary definitions, allocation of funds, allowable programs and activities, plan development and approval process, eligibility requirements, cost limitations, performance management and recordkeeping and reporting requirements.

B) Statutory Authority: 20 ILCS 605/46-19

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: The proposed rules were published in the January 22, 1999 Issue of the *Illinois Register*. These rules will be filed for second notice in September 1999.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

JULY 1999 REGULATORY AGENDA

Name: Raya Petefish
 Agency Rules Coordinator
 Illinois Department of Commerce and
 Community Affairs
 620 East Adams
 Springfield, Illinois 62701
 Telephone: (217) 785-6285

g) Related rulemakings and other pertinent information: None

h) Part: Labor Management Program, 14. Ill. Adm. Code 620

1) Rulemaking:

A) Description: This rulemaking will amend current rules due to Senate Bill 40.

B) Statutory Authority: SB 40 unsigned.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: Emergency and First Notice rules will be filed concurrently in August.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The department will promote better labor, management, community and government operations by providing assistance in the development of local labor, management and community committees and coalitions established to address employment issues facing families and by helping Illinois employers attract and retain a diverse workforce through the promotion and support of dependent care policies and programs in the workplace and community.

F) Agency contact person for information:

Name: Raya Petefish
 Agency Rules Coordinator
 Illinois Department of Commerce and
 Community Affairs
 620 East Adams
 Springfield, Illinois 62701
 Telephone: (217) 785-6285

G) Related rulemakings and other pertinent information: SB 40 is a multifaceted bill relating to Technology, Labor-management and the new EDGE program.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

JULY 1999 REGULATORY AGENDA

1) Part: Technology Advancement and Development Act Programs, 14 Ill. Adm. Code 545

1) Rulemaking:

A) Description: These rules will be amended due to Senate Bill 40.

B) Statutory Authority: SB 40 unsigned

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: September 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The Department will make changes to promote modernization on behalf of the State's small and medium-sized businesses, as well as to provide support for young and growing businesses.

F) Agency contact person for information:

Name: Raya Petefish
 Agency Rules Coordinator
 Illinois Department of Commerce and
 Community Affairs
 620 East Adams
 Springfield, Illinois 62701
 Telephone: (217) 785-6285

G) Related rulemakings and other pertinent information: SB 40 is established in part to improve economic development in Illinois through Technology Advancement in research and development, technology transfer, workforce training and loan programs.

DEPARTMENT OF HUMAN SERVICES

JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 672/WIC Vendor Management Code

1) Rulemaking:

- A) Description: The WIC Vendor Management Code will be amended to incorporate changes as reflected in the regulations governing the Special Supplemental Nutrition Program for WIC (7 CFR 246). The Federal regulations mandate implementing uniform sanctions intended to curb vendor-related fraud and abuse. The Federal amendments are effective May 17, 1999, but are not required to be fully implemented until May 17, 2000.

- B) Statutory Authority: Authorized by the WIC Vendor Management Act [410 ILCS 225].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: December 1999

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): 77 Ill. Adm. Code 630/Maternal and Child Health Services Code

1) Rulemaking:

- A) Description: The purpose of this rulemaking is to revise the portions of the MCH Code that present requirements for grant administration and record keeping so that these requirements conform to the Department's current practice.

- B) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act

[410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and authorized by Section 55.05 of the Civil Administrative Code of Illinois [20 ILCS 2310/55-05].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: December 1999

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 112/Temporary Assistance for Needy Families

1) Rulemaking:

- A) Description:

1. Revise current rule to eliminate eligibility of the parent or the parent or other caretaker for adult-only cash benefits when the only "eligible" child receives SSI.

2. Revise current rule to provide an exemption from the 60-month TANF limit for a person who is receiving assistance and caring for a severely disabled child to keep the child from being institutionalized.

3. Revise current filing unit rule to exclude the mother from TANF benefits when the mother and newborn are participating in an alternative residential program and the mother's needs are covered by the Department of Corrections.

- H) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need

for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: Not yet determined.

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): 59 Ill. Adm. Code 50/Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities.

1) Rulemaking:

A) Description: Amendments will be proposed for clarification and consistency purposes.

B) Statutory Authority: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: November 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): New Rule

1) Rulemaking:

A) Description: New rules will be promulgated by the Department of Human Services to implement the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA), [20 U.S.C. 1400 et seq.] The rules will define and describe the statewide early intervention services program for children birth to 36 months of age who have disabilities, developmental delays or are at substantial risk of becoming delayed and their families.

B) Statutory Authority: Authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA), [20 U.S.C. 1400 et seq.]

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 686/Provider Requirements, Type Services and Rates of Payment

1) Rulemaking:

A) Description: Amendments to include Adult Day Care as a service allowed under the AIDS Waiver program.

B) Statutory Authority: Implemented and authorized by the Department of Human Services Act [20 ILCS 1305].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A.

88-667.

- D) Date agency anticipates First Notice: November 1999
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 686/Provider Requirements, Type Services and Rates of Payment
- 1) Rulemaking:
- A) Description: amendments relating to the issue(s) of abuse and neglect as a result of the HCFA audit findings under the DD Waiver.
- B) Statutory Authority: Implemented and authorized by the Department of Human Services Act [20 ILCS 1305].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: December 1999
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 682/Financial Eligibility Criteria
- 1) Rulemaking:

- A) Description: revisions regarding the spousal impoverishment language for clarity.
- B) Statutory Authority: Implemented and authorized by the Department of Human Services Act [20 ILCS 1305].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: December 1999
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:
Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 682/Financial Eligibility Criteria
- 1) Rulemaking:
- A) Description: Amendments to address the issue of whether parents receiving funds for providing for a child with a disability through the Department of Children and Family Services should be eligible for the Home Services Program.
- B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].
- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.
- D) Date agency anticipates First Notice: September 1999
- E) Effect small business, small municipalities or not for profit corporations? None
- F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

J) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 686/Provider Requirements, Type Services and Rates of Payment

1) Rulemaking:

A) Description: Amendment to clarify the definition of who can and cannot provide services as a PA.

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

K) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 676/Program Description

1) Rulemaking:

A) Description: Amendments to change the definition of "home" to include homeless shelter..

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc.

will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

L) Part(s) (Heading and Code Citation): 89 Ill. Adm. Code 679/Determination of Need and Resulting Service Cost Maximums

1) Rulemaking:

A) Description: Emergency amendment to increase service cost maximums to ensure that services are not diminished due to various vendor rate increases.

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: August 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

M) Part(s) (Heading and Code Citation): 77 Ill. Adm. Code 2030/Award and Monitoring of Funds

1) Rulemaking:

- A) Description: Amendments to completely re-write and update the language of the rule for consistency and clarity.
- B) Statutory Authority: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].
- C) Schedule Meeting/Hearing Date: DHS anticipates conducting at least two public hearings during the rulemaking process; however, dates have not yet been determined.
- D) Date agency anticipates First Notice: not yet determined.

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

- n) Part(s) (Heading and Code Citation): 77 Ill. Adm. Code 2090/Subacute and Substance Abuse Treatment Services

1) Rulemaking:

A) Description: Emergency amendments to include medically monitored detox. as a covered Medicaid service.

B) Statutory Authority: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5- 10].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: August 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): 59 Ill. Adm. Code 132/Medicaid Community Mental Health Services Program

1) Rulemaking:

A) Description: Amendments to include provisions for post-payment Medicaid review.

B) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: September 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

(Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

- Part(s) (Heading and Code Citation): 59 Ill. Adm. Code 132/Medicaid Community Mental Health Services Program

1) Rulemaking:

A) Description: Amendments to re-write and update the language throughout the rule for consistency and clarity.

B) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS

1705/15.31.

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: December 1999

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

- q) Part(s) (Heading and Code Citation): 59 Ill. Adm. Code 112/Treatment and Rehabilitation Services.

- 1) Rulemaking:

- A) Description: Amendments to regulate the use of psychotropic medications in state-operated mental health facilities.

- B) Statutory Authority: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: December 1999

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

- r) Part(s) (Heading and Code Citation): New Rule

- 1) Rulemaking:

- A) Description: Promulgation of an administrative rulemaking for DHS that will contain the fiscal and administrative recordkeeping requirements for all DHS providers. The rule will include adequate detail to allow DHS to access, through on-site inspection of the providers records, compliance with the rule. The rule will be constructed so that it applies to all DHS providers regardless of program or funding level. The rule will replace/supersede any other DHS or legacy agency rules or parts of rules with the same identical type of requirement.

- B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

- C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: December 1999

- E) Effect small business, small municipalities or not for profit corporations? None

- F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

- G) Related rulemakings and other pertinent information: None

- s) Part(s) (Heading and Code Citation): New Rule

- 1) Rulemaking:

- A) Description: Promulgation of a common rule for the closest and reconciliation of grants as required by the Grant Fund Recovery Act.

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

C) Schedule Meeting/Hearing Date: DHS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: December 1999

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 3, 1999 through August 9, 1999 and have been scheduled for review by the Committee at its August 17, 1999 or September 14, 1999 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/18/99	Illinois Farm Development Authority, Illinois Farm Development Authority (8 Ill Adm Code 1400)	4/16/99 23 Ill Reg 4345	8/17/99
9/18/99	Department of Children and Family Services, Placement and Visitation Services (89 Ill Adm Code 301)	4/16/99 23 Ill Reg 4327	9/14/99
9/18/99	Department of Children and Family Services, Reports of Child Abuse and Neglect (89 Ill Adm Code 300)	5/7/99 23 Ill Reg 5378	9/14/99
9/18/99	Department of Professional Regulation, Illinois Physical Therapy Act (68 Ill Adm Code 1340)	6/18/99 23 Ill Reg 7053	9/14/99
9/19/99	Illinois Educational Facilities Authority, Functions and Planning Program (23 Ill Adm Code 2310)	5/14/99 23 Ill Reg 5635	9/14/99
9/19/99	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	5/28/99 23 Ill Reg 6198	9/14/99

Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jntale@ecgate.sos.state.il.us (Internet address).

PROPOSED

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ADOPTED

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